

**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** September 10, 2013

**TO:** Board of County Commissioners

**FROM:** Vicente Archuleta, Development Review Team Leader *VA*

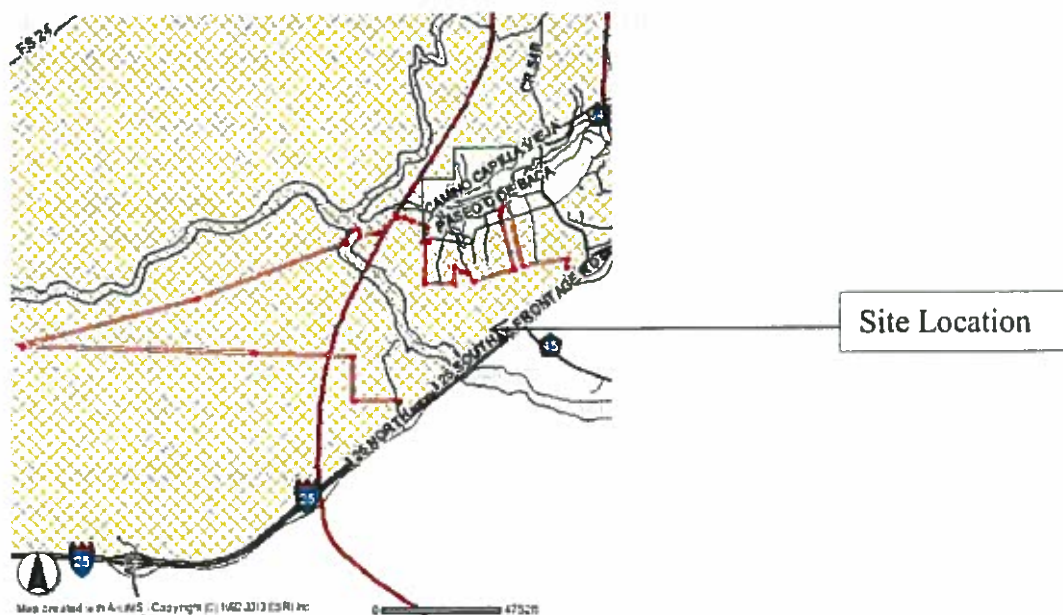
**VIA:** Penny Ellis-Green, Land Use Administrator *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.: BCC CASE# MIS 13-5240 Santa Fe Canyon Ranch Master Plan Extension**

**ISSUE:**

Santa Fe Canyon Ranch L.L.C. and Santa Fe County, applicants, request a 2-year time extension of the previously approved Master Plan for a residential subdivision consisting of 162 lots (174 residential units) on 1,316 acres to be developed in three (3) phases. The property is located off of Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community, within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

**VICINITY MAP:**



## **SUMMARY:**

On September 9, 2008, the Board of County Commissioners met and tabled the master plan until the September 30, 2008 BCC meeting (see September 9, 2008 meeting minutes as Exhibit 4). On September 30, 2008, the Board of County Commissioners (BCC) granted Master Plan approval for a residential subdivision consisting of 162 lots (174 residential units) on 1,316 acres to be developed in 3 phases (see September 30, 2008 meeting minutes as Exhibit 5).

The Applicants are requesting a 2-year time extension of the Santa Fe Canyon Ranch Master Plan approval under Article V, Section 5.2.7.b of the County Land Development Code.

Santa Fe Canyon Ranch is a residential subdivision which consists of 162 lots (174 dwelling units) which will be developed in three (3) phases. Phase I consists of 80 lots on 200 acres, Phase II consists of 76 lots on 199 acres and Phase III consists of 6 lots (3 dwelling units per lot) on 912 acres.

The Applicant states: "Santa Fe County is currently working with the community and the La Bajada Ranch Steering Committee to review and amend the master plan. This time extension will allow staff additional time to complete this process."

Article V, Section 5.2.7.b (Expiration of Master Plan) of the Code states, "Master Plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer."

The Applicants request a two-year time extension that would render the Master Plan approval valid until September 10, 2015.

**This Application was submitted on July 26, 2013.**

**Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.**

<b>APPROVAL SOUGHT:</b>	Approval of a two-year time extension of the Master Plan approval in accordance with Article V, Section 5.2.7.b.
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<b>GROWTH MANAGEMENT AREA:</b>	El Centro/Galisteo, SDA-2/SDA-3
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<b>HYDROLOGIC ZONE:</b>	The development is located in the Basin Fringe and the Homestead Hydrologic Zones.
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<b>FIRE PROTECTION:</b>	La Cienega Fire District
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**WATER SUPPLY:**

The Applicants propose to construct a community water system on the property. An 82,000 gallon water storage tank is proposed for domestic and fire protection use in Phase I of the development. No change is proposed.

**LIQUID WASTE:**

The developer is proposing an on-site advanced wastewater treatment system. No change is proposed.

**VARIANCES:**

No

**STAFF RECOMMENDATION:**

Approval for a two-year time extension of the Master Plan for the Santa Fe Canyon Ranch Residential Subdivision.

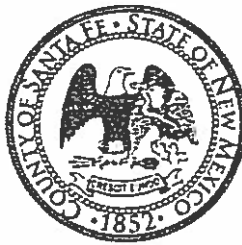
**EXHIBITS:**

1. Letter of Request
2. Site Plans
3. Survey Plat
4. September 9, 2008 BCC Minutes
5. September 30, 2008 BCC Minutes
6. September 9, 2008 Staff Report
7. Santa Fe Canyon Ranch Findings of Facts
8. Aerial Photo of Site

**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

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*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

August 16, 2013

Penny Ellis-Green  
Growth Management Department  
Santa Fe County  
PO Box 276  
Santa Fe, NM 87501

Re: Santa Fe Canyon Ranch/La Bajada Ranch Master Plan MP/S 06-5212

Dear Ms. Ellis-Green;

This is a request for a time extension for the La Bajada Ranch Master plan, previously known as the Santa Fe Canyon Ranch Master Plan.

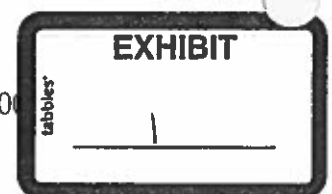
The master plan was approved by the BCC on September 30, 2008.

I am requesting a two year time extension to the master plan in accordance with Article V, Section 5.2.7 of the Land Development Code

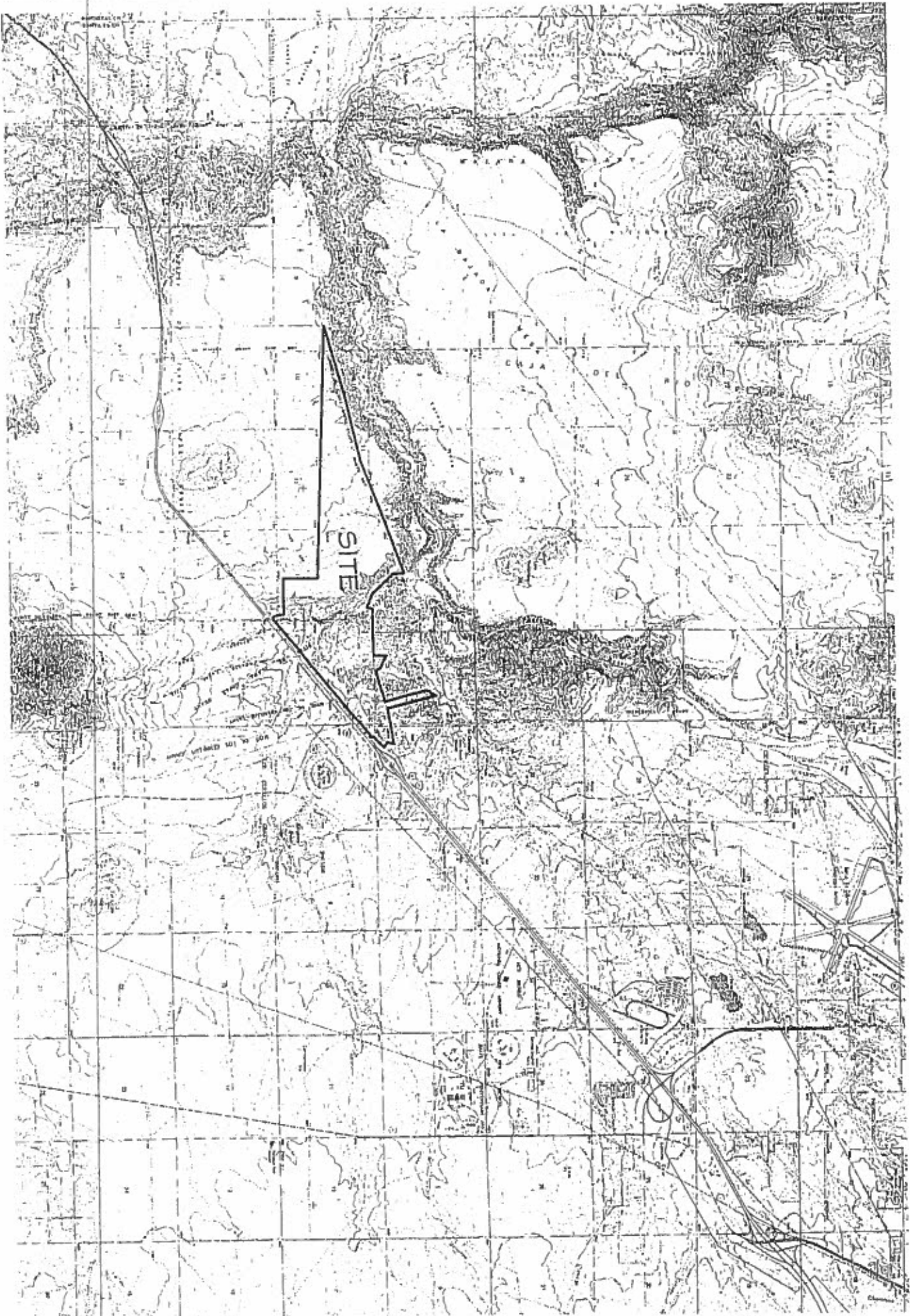
Santa Fe County is currently working with the community and the La Bajada Ranch Steering Committee to review and amend the master plan. This time extension will allow staff additional time to complete this process.

Sincerely

Katherine Miller  
Santa Fe County Manager







SCALE 1"=2000' FEET  
0 2000 4000

OWNER:

SANTA FE CANYON RANCH, LLC  
3056 AGUA FRIA STREET  
SANTA FE, NM 87507

ENGINEERING:

DESIGN ENGINEERING



SURVEYING:

DAVISON SURVEYS, INC.  
PROFESSIONAL LAND SURVEYORS  
SANTA FE, NM

PLANNER:

SCHUTZ AND COMPANY, INC.  
P.O. BOX 1072  
SANTA FE, NEW MEXICO 87504  
(505) 982-5288



Santa Fe Canyon Ranch  
Revised Amended Master Plan

1316.5 AC +/-  
IN  
TOWNSHIP 15 NORTH, RANGE 7 EAST, SECTIONS 12, 10, 12 & 13,  
AND  
TOWNSHIP 15 NORTH, RANGE 8 EAST  
SECTIONS 5, 6, 7 & 8  
SANTA FE, NEW MEXICO

SHEET LIST

- 1 COVER SHEET
- 2 MASTER PLAN
- 3 BOUNDARY SURVEY
- 4 TOPOGRAPHY
- 5 SITE ANALYSIS PLAN
- 6 SLOPE ANALYSIS
- 7 SOILS MAP
- 8 CONCEPTUAL TERRAIN MANAGEMENT PLAN
- 9 CONCEPTUAL WATER SERVICE & FIRE PROTECTION PLAN
- 10 CONCEPTUAL LIQUID WASTE PLAN
- 11 CONCEPTUAL DRY UTILITY PLAN
- 12 CONCEPTUAL ROAD DESIGN
- 13 CONCEPTUAL OPEN SPACE PLAN
- 14 PHASING PLAN

DECEMBER 18, 2007

REV

DATE BY

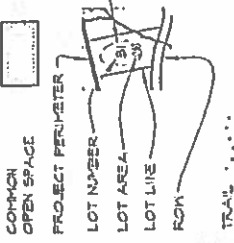
EXHIBIT

tabbles

2

5

LEGEND



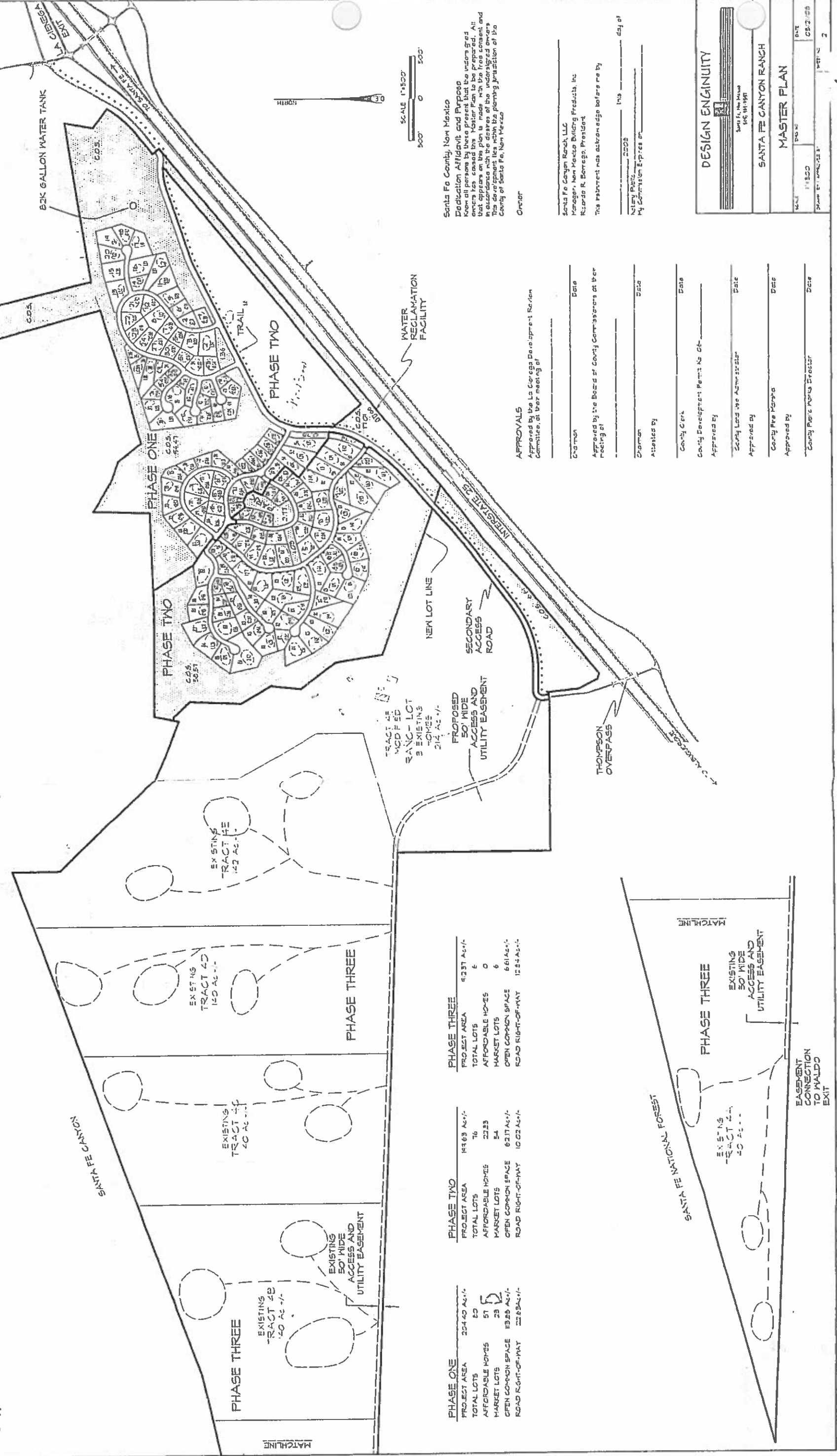
SITE DATA

PROJECT AREA	1516.4 AC +/-
BASE DENSITY	151 UNITS
PERCENTAGE OF UNITS TO PHASE ONE	23 UNITS
PERCENTAGE OF UNITS TO PHASE TWO	174 UNITS
PERCENTAGE OF UNITS TO PHASE THREE	158 UNITS
TRAC'S 4A-4F (5 TRACTS)	18 UNITS

APPROXIMATE BUILDINGS ENVELOPE, BALANCE OF LOT PRIVATE OPEN SPACE

NOTES

1. AFFORDABLE HOUSING WATER TO BE PROVIDED BY SANTA FE COUNTY.
2. AFFORDABLE HOUSING TO CONFORM TO SANTA FE COUNTY ORDINANCE 2003-1, SECTION 6.4.4.
3. RESIDENTIAL DENSITY MAY BE INCREASED AT SUCH TIME AS AN ADEQUATE WATER SUPPLY IS PROVIDED FOR THE LA CIERGA DEVELOPMENT CODE AND THE SANTA FE COUNTY LAND DEVELOPMENT CODE. AN ADEQUATE MASTER PLAN TO BE SUBMITTED FOR SANTA FE COUNTY APPROVAL AT SUCH TIME AS ADDITIONAL WATER IS IDENTIFIED.
4. LOT 165 IS A RESIDENTIAL LOT WITH ONE PERMITTED DWELLING UNIT PER TRACT. HORSES AND OTHER LIVESTOCK ARE PERMITTED AS LONG AS THE TOTAL WATER USE ON THE TRACT DOES NOT EXCEED THE COUNTY INTERPOLARIST APPROVED PERMITTED WATER BUDGET FOR THAT LOT. FURTHER DIVISION OF THESE TRACTS WILL REQUIRE COMPLIANCE WITH NOTE 5 (ABOVE) AND A MASTER PLAN AMENDMENT APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.
5. ALL LOTS ARE REQUIRED TO CONNECT TO THE SANTA FE COUNTY WATER SYSTEM WHEN SAID SYSTEM IS EXTENDED TO WITHIN 200 FEET OF THE PROPERTY LINE OF THE LOT. PURSUANT TO ORDINANCE 2003-1, SECTION 6.4.4.
6. ANY SUBSTANTIAL CHANGES IN THE APPROVED MASTER PLAN INCLUDING ANY INCREASES IN DENSITY OR A CHANGE OF USE ON LOT 165, WILL REQUIRE THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.



PHASE ONE					
PROJECT AREA	204.40 AC +/-				
TOTAL LOTS	50				
AFFORDABLE HOMES	51				
MARKET LOTS	29				
OPEN COMMON SPACE	113.25 AC +/-				
ROAD RIGHT-OF-WAY	222.84 AC +/-				

PHASE TWO					
PROJECT AREA	149.63 AC +/-				
TOTAL LOTS	76				
AFFORDABLE HOMES	2223				
MARKET LOTS	54				
OPEN COMMON SPACE	63.17 AC +/-				
ROAD RIGHT-OF-WAY	10.02 AC +/-				

PHASE THREE					
PROJECT AREA	912.37 AC +/-				
TOTAL LOTS	6				
AFFORDABLE HOMES	0				
MARKET LOTS	6				
OPEN COMMON SPACE	6.61 AC +/-				
ROAD RIGHT-OF-WAY	12.54 AC +/-				

TRACTS MODIFIED RANG - LOT 2 EXISTING HOMES 214 AC +/-

PROPOSED 50' WIDE ACCESS AND UTILITY EASEMENT

NEW LOT LINE

SECONDARY ACCESS ROAD

WATER RECLAMATION FACILITY

THOMPSON OVERPASS

EXISTING TRACT 4D 140 AC +/-

EXISTING TRACT 4E 142 AC +/-

EXISTING TRACT 4F 140 AC +/-

EXISTING TRACT 4G 140 AC +/-

EXISTING TRACT 4H 140 AC +/-

EXISTING TRACT 4I 140 AC +/-

EXISTING TRACT 4J 140 AC +/-

EXISTING TRACT 4K 140 AC +/-

EXISTING TRACT 4L 140 AC +/-

EXISTING TRACT 4M 140 AC +/-

EXISTING TRACT 4N 140 AC +/-

EXISTING TRACT 4O 140 AC +/-

EXISTING TRACT 4P 140 AC +/-

EXISTING TRACT 4Q 140 AC +/-

EXISTING TRACT 4R 140 AC +/-

EXISTING TRACT 4S 140 AC +/-

EXISTING TRACT 4T 140 AC +/-

EXISTING TRACT 4U 140 AC +/-

EXISTING TRACT 4V 140 AC +/-

EXISTING TRACT 4W 140 AC +/-

EXISTING TRACT 4X 140 AC +/-

EXISTING TRACT 4Y 140 AC +/-

EXISTING TRACT 4Z 140 AC +/-

EXISTING TRACT 4AA 140 AC +/-

EXISTING TRACT 4AB 140 AC +/-

EXISTING TRACT 4AC 140 AC +/-

EXISTING TRACT 4AD 140 AC +/-

EXISTING TRACT 4AE 140 AC +/-

EXISTING TRACT 4AF 140 AC +/-

EXISTING TRACT 4AG 140 AC +/-

EXISTING TRACT 4AH 140 AC +/-

EXISTING TRACT 4AI 140 AC +/-

EXISTING TRACT 4AJ 140 AC +/-

EXISTING TRACT 4AK 140 AC +/-

EXISTING TRACT 4AL 140 AC +/-

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EXISTING TRACT 4AO 140 AC +/-

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EXISTING TRACT 4BL 140 AC +/-

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EXISTING TRACT 4BX 140 AC +/-

EXISTING TRACT 4BY 140 AC +/-

EXISTING TRACT 4BZ 140 AC +/-

EXISTING TRACT 4CA 140 AC +/-

EXISTING TRACT 4CB 140 AC +/-

EXISTING TRACT 4CC 140 AC +/-

EXISTING TRACT 4CD 140 AC +/-

EXISTING TRACT 4CE 140 AC +/-

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EXISTING TRACT 4CH 140 AC +/-

EXISTING TRACT 4CI 140 AC +/-

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EXISTING TRACT 4CN 140 AC +/-

EXISTING TRACT 4CO 140 AC +/-

EXISTING TRACT 4CP 140 AC +/-

EXISTING TRACT 4CQ 140 AC +/-

EXISTING TRACT 4CR 140 AC +/-

EXISTING TRACT 4CS 140 AC +/-

EXISTING TRACT 4CT 140 AC +/-

EXISTING TRACT 4CU 140 AC +/-

EXISTING TRACT 4CV 140 AC +/-

EXISTING TRACT 4CW 140 AC +/-

EXISTING TRACT 4CX 140 AC +/-

EXISTING TRACT 4CY 140 AC +/-

EXISTING TRACT 4CZ 140 AC +/-

EXISTING TRACT 4DA 140 AC +/-

EXISTING TRACT 4DB 140 AC +/-

EXISTING TRACT 4DC 140 AC +/-

EXISTING TRACT 4DD 140 AC +/-

EXISTING TRACT 4DE 140 AC +/-

EXISTING TRACT 4DF 140 AC +/-

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EXISTING TRACT 4DN 140 AC +/-

EXISTING TRACT 4DO 140 AC +/-

EXISTING TRACT 4DP 140 AC +/-

EXISTING TRACT 4DQ 140 AC +/-

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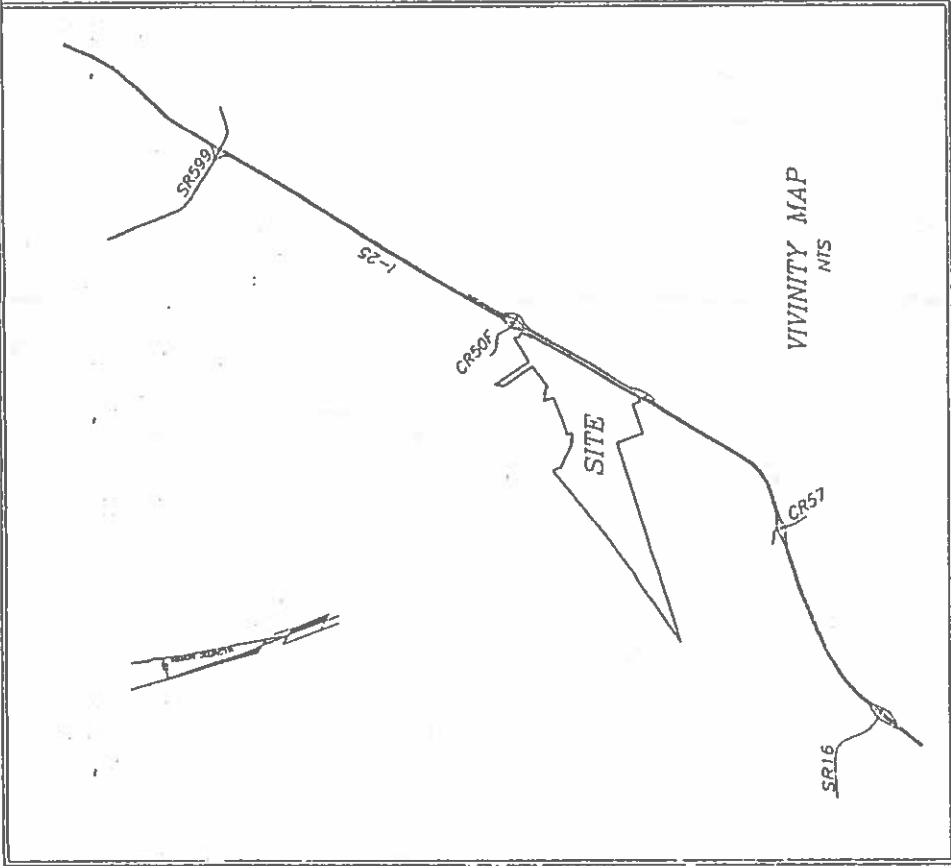
EXISTING TRACT 4IB 140 AC +/-

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EXISTING TRACT

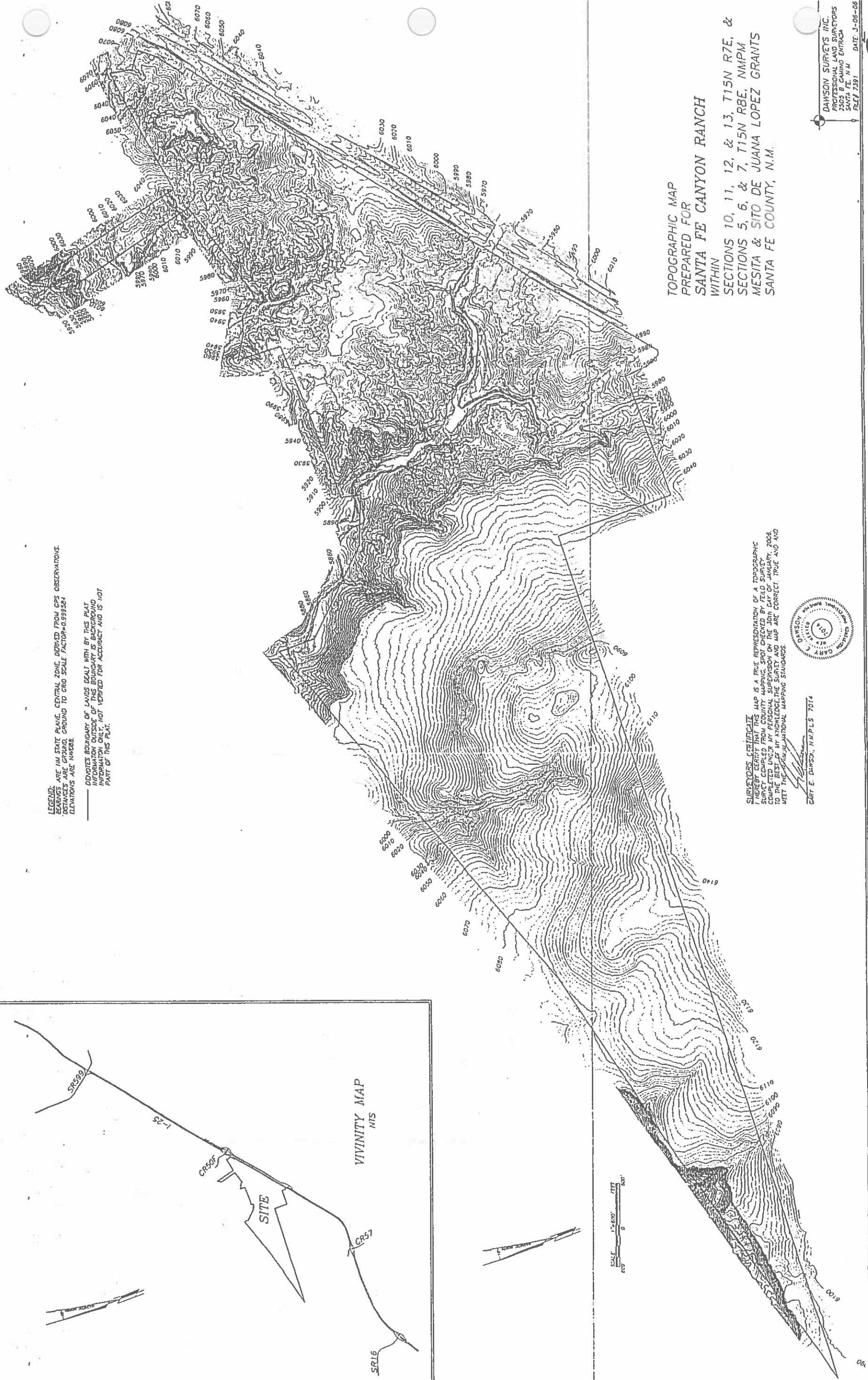






LEGEND:  
BEARINGS ARE IN STATE PLANE, CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.  
DISTANCES ARE GROUND, GROUND TO GRID SCALE FACTOR=0.999524  
ELEVATIONS ARE IN FEET.

--- DEMONSTRATES BOUNDARY OF LANDS DEALT WITH BY THIS PLAT  
INFORMATION OUTSIDE OF THIS BOUNDARY IS BACKGROUND  
INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND IS NOT  
PART OF THIS PLAT.

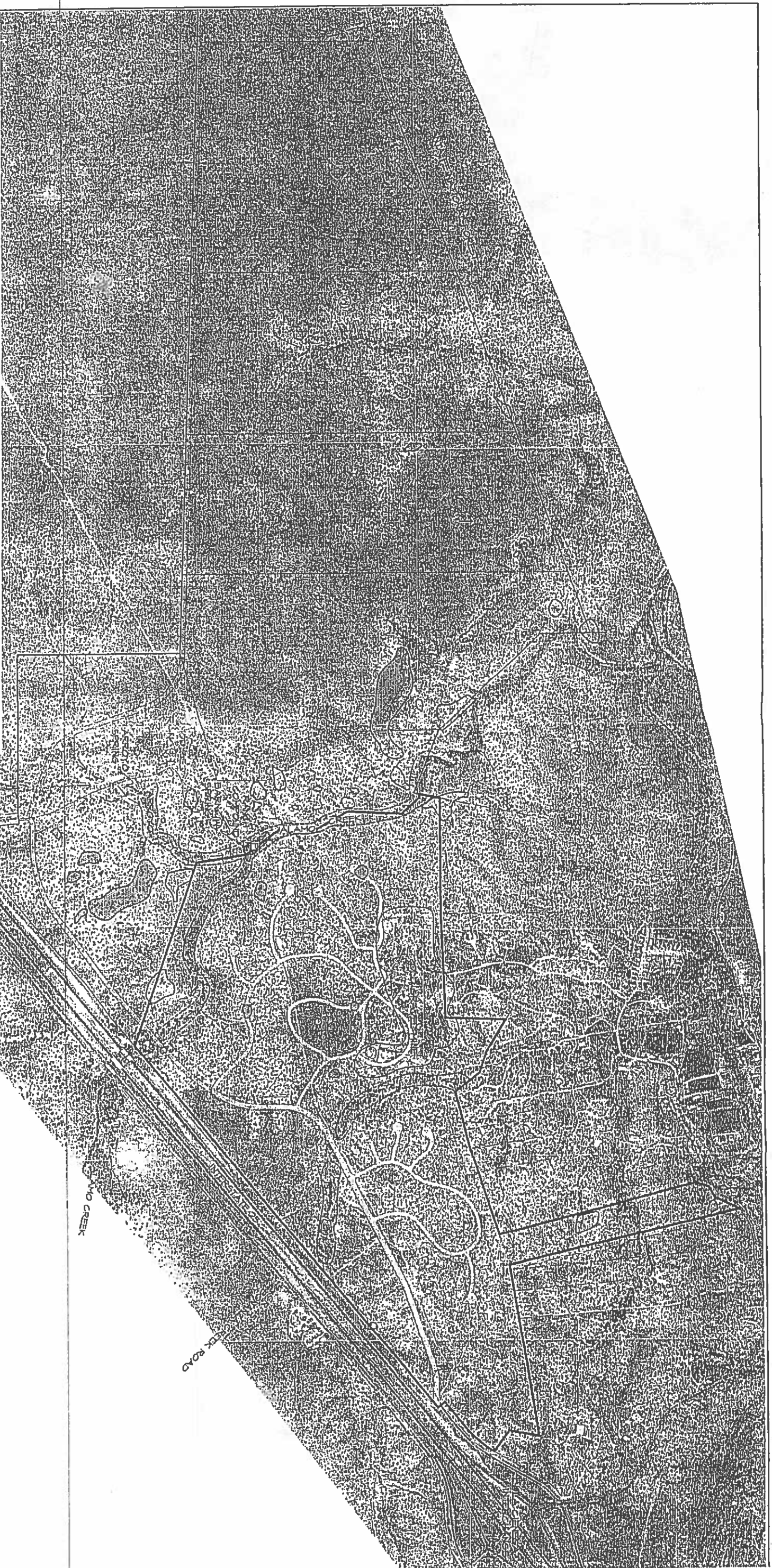


SURVEYORS CERTIFICATE  
I HEREBY CERTIFY THAT THIS MAP IS A TRUE REPRESENTATION OF A TOPOGRAPHIC  
SURVEY COMPILED FROM COUNTY MAPS, SPOT CHECKED BY FIELD SURVEY  
COMPLETED IN JANUARY 2004. THE SURVEY AND MAP ARE CORRECT, TRUE AND  
MEET THE NATIONAL MAPPING STANDARDS.

CART E. DAWSON, N.M.P.L.S. 7014



DAWSON SURVEYS INC.  
PROFESSIONAL LAND SURVEYORS  
2505 B CANINO ENTRADA  
SANTA FE, N.M.  
FILE # 2391 DATE: 3-06-06



## LEGEND

- 
- A hand-drawn map of a wetland area. At the top, a wavy line represents a boundary. Below it, a large irregular shape is labeled 'ARCHAEOLOGIC SIGNIFICANT SITE TO BE FURTHER STUDIED'. To the right of this is a smaller irregular shape labeled 'ARCHAEOLOGIC SIGNIFICANT SITE PERMANENT PROTECTIVE EASEMENT'. Below these is an oval labeled 'P-1' with 'EXISTING POUD' written underneath. To the left of 'P-1' is a small circle labeled '5-1' with 'EXISTING SPRINGS' written underneath. Below '5-1' is a horizontal line labeled 'R' with 'RIPARIAN ZONES' written underneath. To the left of 'R' is a horizontal line labeled 'DRAINAGEWAYS' with arrows pointing towards it. At the bottom left is a circle labeled 'M' with 'EXISTING MALL' written underneath.

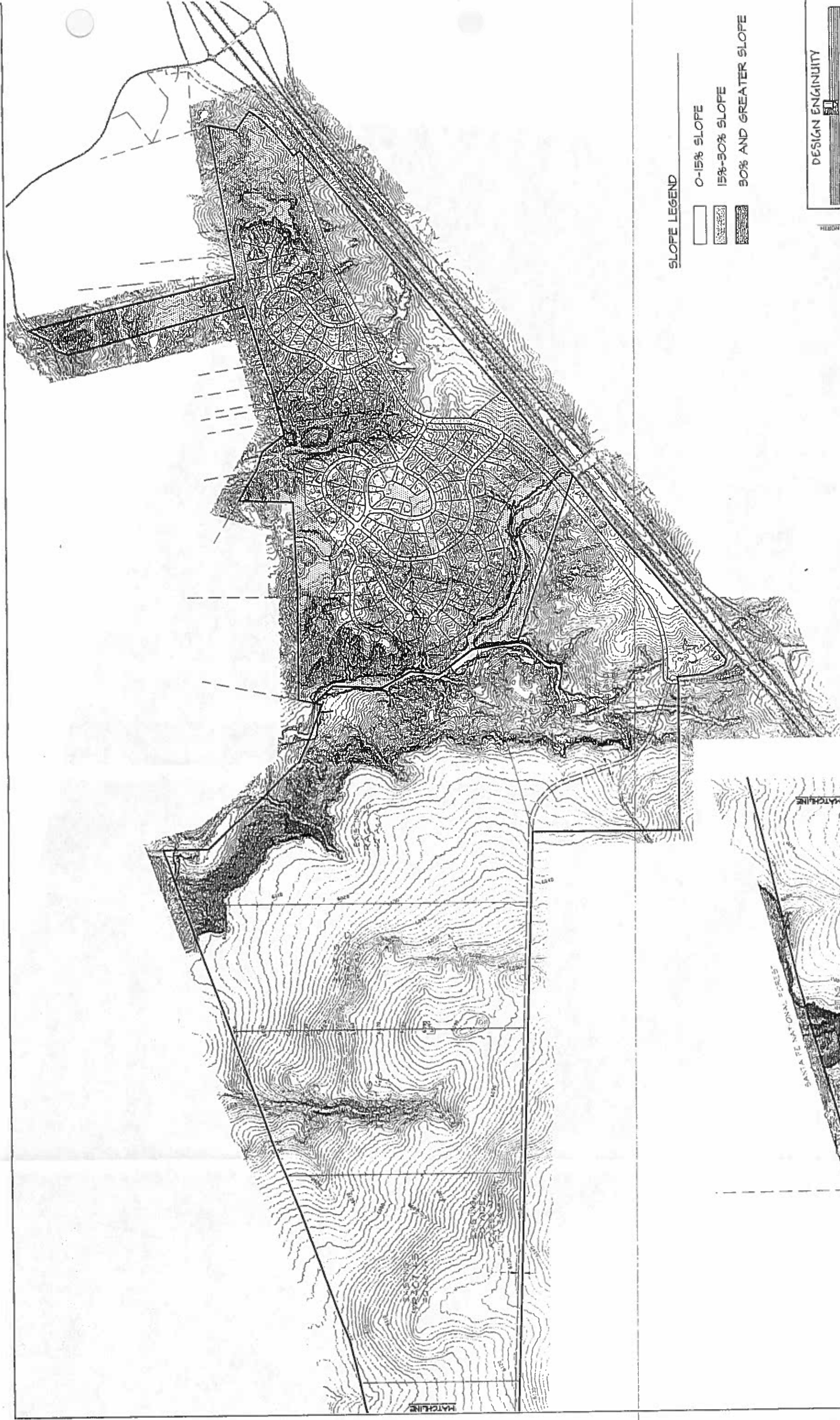
DESIGN ENGINEERING

Sam's Pa. Auto Wash  
5405 119 - 2557

## SITE ANALYSIS

DATE	TIME	PAY
11/15/00		11:30/07





### SLOPE LEGEND

☐ 0-15% SLOPE
15%-30% SLOPE

### 30% AND GREATER SLOPE

HILSON

DESIGN ENGINEERING

**Harry F. Home Training**  
 5001 194-9-50

SANTA FE CANYON RANCH

### SLOPE ANALYSIS

11/30/07	04:15
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**Author's address:**

1

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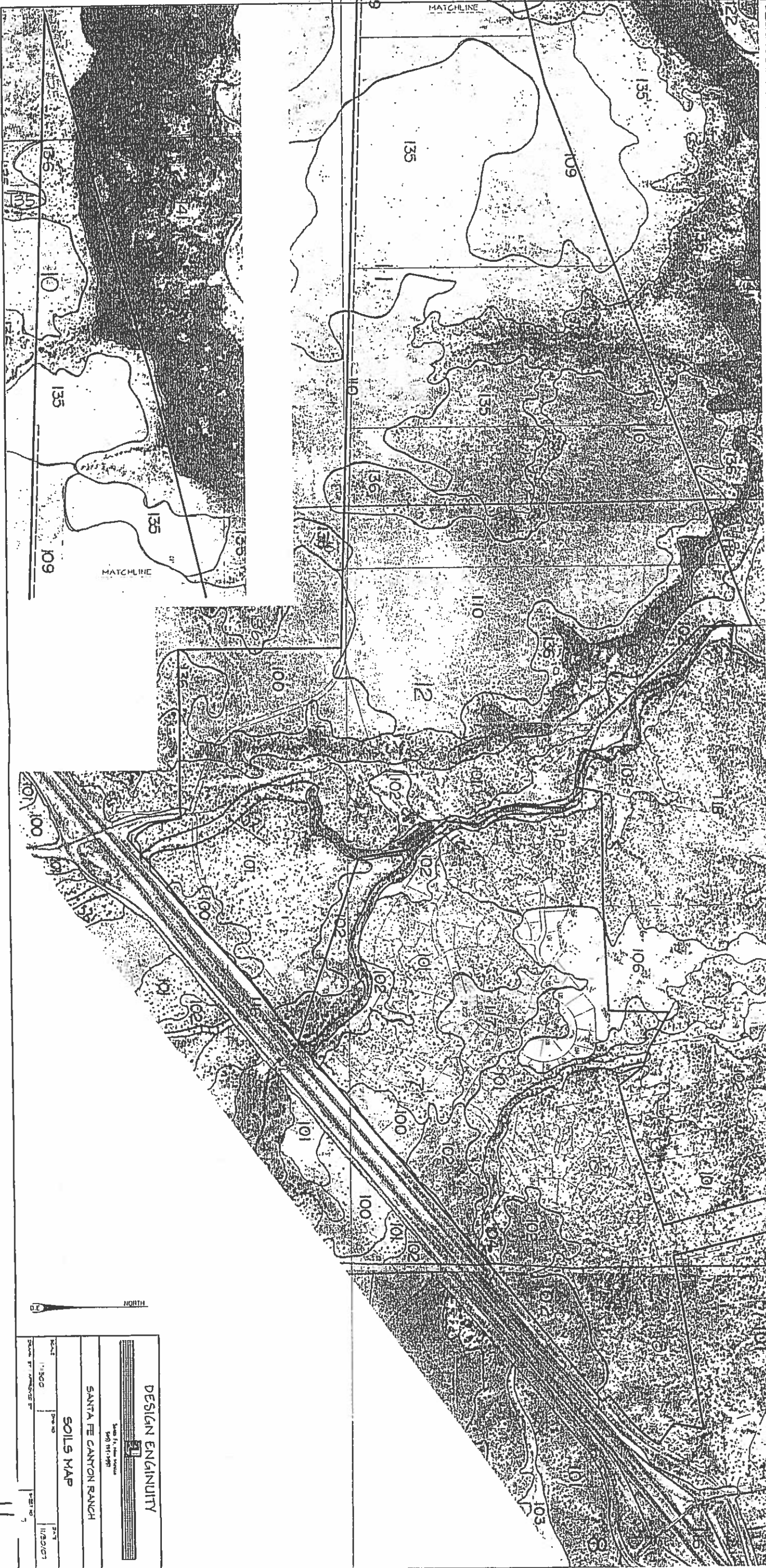
THE UNIVERSITY OF CHICAGO PRESS  
530 N. Dearborn St., Chicago, IL 60610-5708  
Tel: 773.936.7000 Fax: 773.936.7001  
www.press.uchicago.edu



SANTA FE CANTON RANCH - SOIL DESCRIPTIONS

- 100 - PARENT LOAM - LOAM AND CLAY LOAM. MODERATELY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, LOW RUNOFF, SHIMMERS OF ERODED PAN REMNANTS.
- 101 - LOZOSOL-LOZOSOL COMPLEX - GRAVELLY LOAM SAND AND COARSE SAND, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, LOW RUNOFF, SHOULDERS OF ERODED PAN REMNANTS.
- 102 - KHAND SANDY LOAM - SANDY LOAM, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM RUNOFF, TOLERATES OF ERODED PAN REMNANTS.
- 103 - ZEPOL SALT LOAM - SILT LOAM, MODERATELY PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, LOW RUNOFF, MARGINAL FLOOD PLAINS.
- 104 - CALTE-RIVERWASH COMPLEX - GRAVELLY COARSE SAND, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, VERY LOW RUNOFF, FLOOD PLAINS.
- 105 - PMS - MUD SPILL OR EARTH FILL, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, VERY LOW RUNOFF.
- 106 - TETILLA LOAM - LOAM AND CLAY LOAM, MODERATELY SLOW PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, LOW RUNOFF, TREAD PAN TERRACE.
- 107 - CALSABAS LOAM - LOAM AND CLAY LOAM AND SANDY LOAMS, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM RUNOFF, SHIMMERS OF ERODED PAN REMNANTS.
- 108 - ASUA PULP-PALME COMPLEX - GRAVELLY SANDY LOAM AND GRAVELLY COARSE SAND, MODERATELY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM TO HIGH RUNOFF, SHOULDERS AND BACKSLOPES OF ERODED PAN REMNANTS.
- 109 - GOLONKIN-PALME COMPLEX - VERY GRAVELLY COARSE SANDY LOAM AND GRAVELLY LOAM, COARSE SAND, MODERATELY PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM TO HIGH RUNOFF, BACKSLOPES OF HILLS.
- 110 - CUT-AND-BE-REVEYASH COMPLEX - VERY GRAVELLY COARSE SAND, RAPID PERMEABILITY, LOW SHRINK SWELL POTENTIAL, NEGLECTABLE RUNOFF, INTERMITTENT STREAM ON FLOOD PLAINS.
- 111 - TSHAKT GRAVELLY LOAM - GRAVELLY OR CLAY LOAM OVER BEDROCK AT 34 TO 54 INCHES, VERY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, LOW RUNOFF, BEVELED SHIMMERS OF UNOLATING PLATEAUS.
- 112 - CHUPA VERY COBBLY SANDY LOAM - COBBLY LOAM OVER BEDROCK AT 30 TO 34 INCHES, MODERATELY SLOW PERMEABILITY, LOW SHRINK SWELL POTENTIAL, MEDIUM RUNOFF, BEVELED SHIMMERS OF VEGAS AND PLATEAUS.
- 113 - ANDANADA VERY GRAVELLY LOAM - GRAVELLY LOAM OVER BEDROCK AT 2 TO 10 INCHES, MODERATE PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, VERY HIGH RUNOFF, SHOULDERS OF UNOLATING PLATEAUS AND VEGAS.
- 114 - TREBELL-TRINISAL-ROCK OUTCROP COMPLEX - VERY COBBLY LOAM AND SANDY LOAM, 10 PERCENT ROCK OUTCROPS, MODERATE PERMEABILITY, MODERATE SHRINK SWELL POTENTIAL, MEDIUM TO HIGH RUNOFF, BACKSLOPES AND TOLERATES OF HILLS.

DESCRIPTIONS TAKEN FROM USDA NATURAL RESOURCES CONSERVATION SERVICE ADVANCED COPY OF THE SANTA FE AREA SOIL SURVEY. DATED 12/6/2005. THIS SURVEY HAS NOT BEEN FINALIZED AND IS SUBJECT TO CHANGE.



DESIGN ENGINEERING

Santa Fe, New Mexico

(505) 951-1999

SANTA FE CANTON RANCH

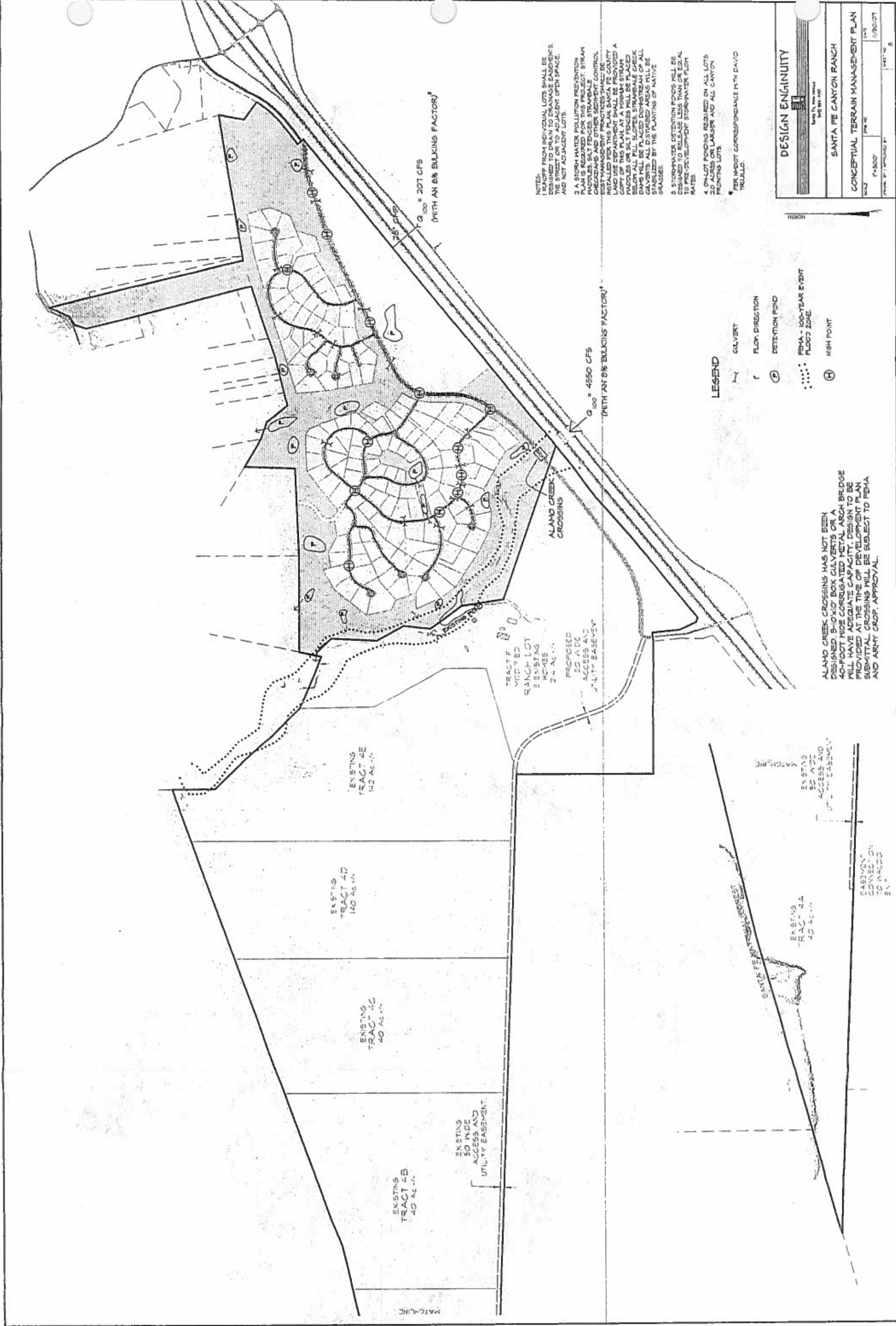
SOILS MAP

SCALE

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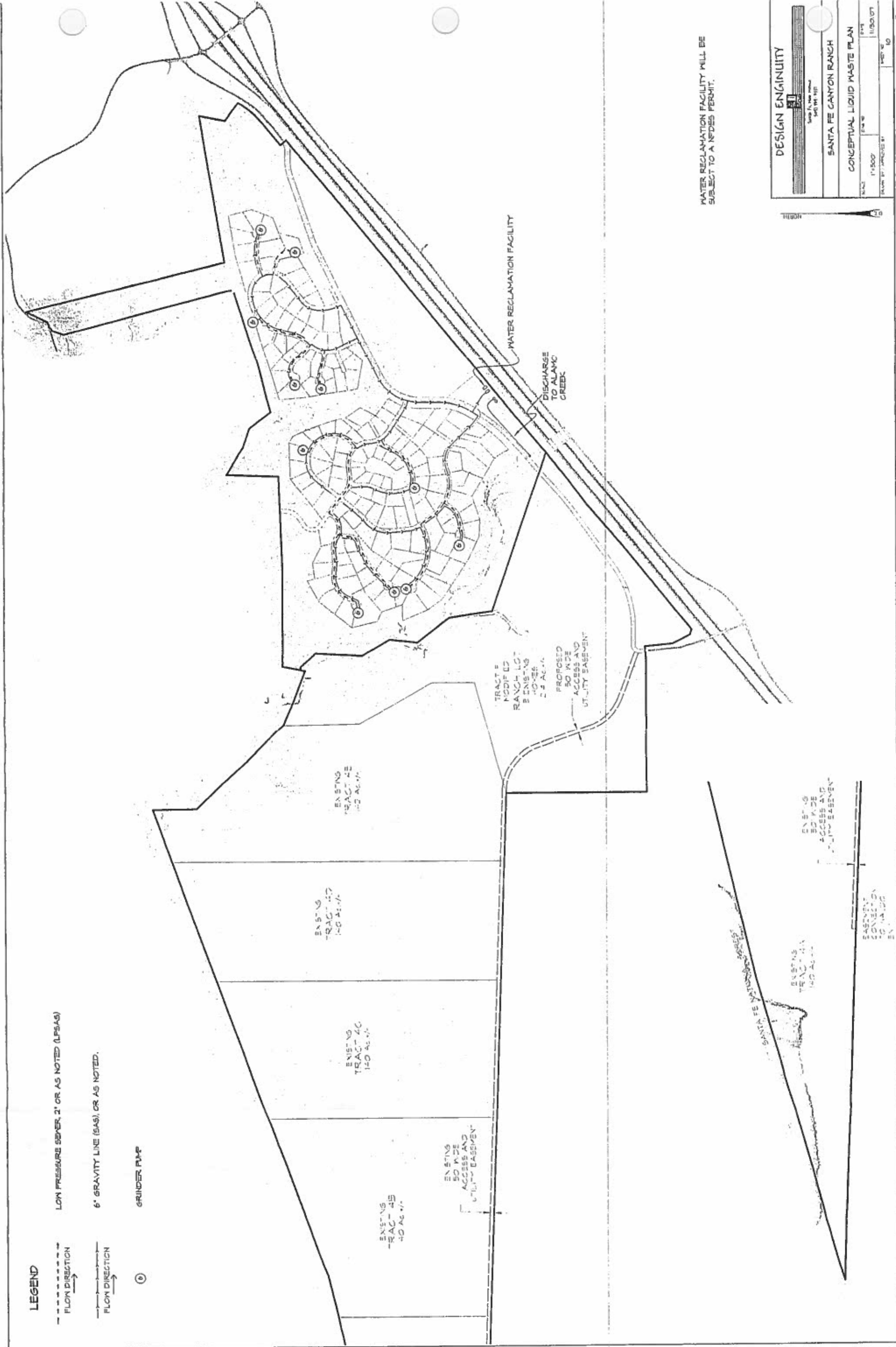
DATE

11/20/07



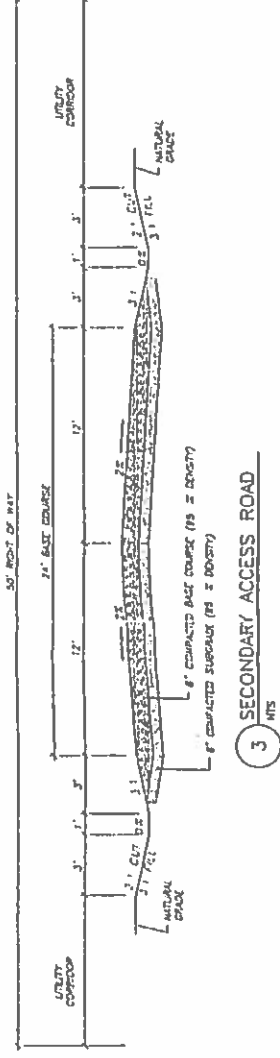
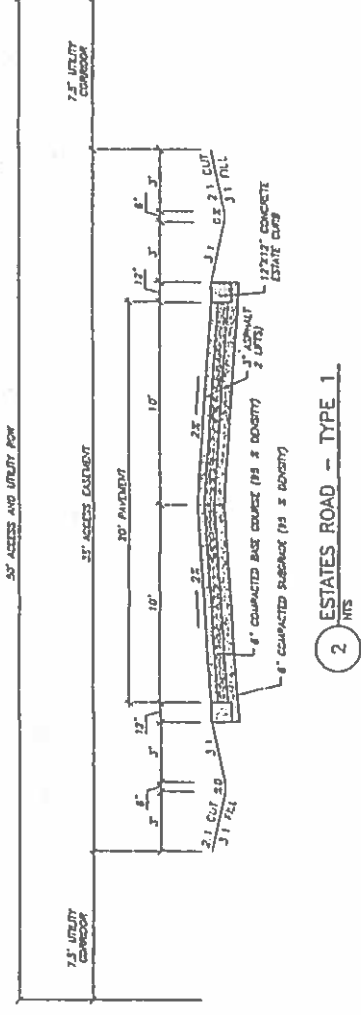






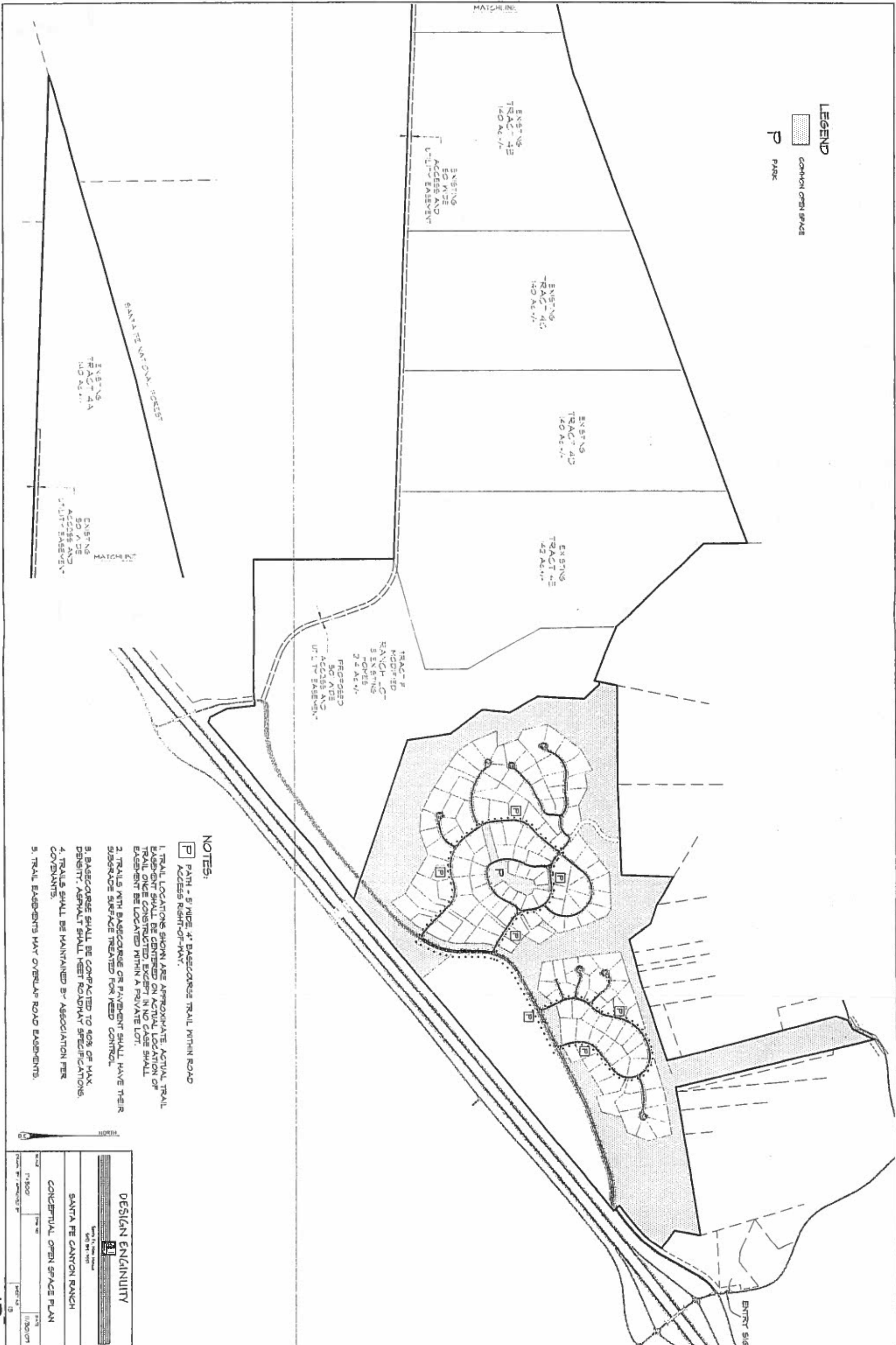
WATER RECLAMATION FACILITY WILL BE  
SUBJECT TO A NEDDES PERMIT.







LEGEND  
COMMON OPEN SPACE  
P PARK



NOTES:

- [P] PATH - 5' WIDE, 4' BASECOURSE TRAIL WITHIN ROAD ACCESS RIGHT-OF-WAY.
1. TRAIL LOCATIONS SHOWN ARE APPROXIMATE. ACTUAL TRAIL EASEMENT SHALL BE CENTERED ON ACTUAL LOCATION OF TRAIL ONCE CONSTRUCTED. EXCEPT IN NO CASE SHALL EASEMENT BE LOCATED WITHIN A PRIVATE LOT.
2. TRAILS WITH BASECOURSE OR PAVEMENT SHALL HAVE THEIR SUBGRADE SURFACE TREATED FOR WEED CONTROL.
3. BASECOURSE SHALL BE COMPACTED TO 80% OF MAX. DENSITY. ASPHALT SHALL MEET ROADWAY SPECIFICATIONS.
4. TRAILS SHALL BE MAINTAINED BY ASSOCIATION PER COVENANTS.
5. TRAIL EASEMENTS MAY OVERLAP ROAD EASEMENTS.

DESIGN ENGINEER	
Santa Fe Canyon Ranch	
CONCEPTUAL OPEN SPACE PLAN	
Scale: 1" = 500'	Date: 11/20/07
Drawn by: [signature]	Sheet: 17



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**XIII. D. 1. Executive Session**  
**a. Discussion of Pending or Threatened Litigation**  
**b. Limited Personnel Issues**  
**c. Discussion of the Purchase, Acquisition or Disposal of Water Rights**

MR. ROSS: Mr. Chair, we need a closed executive session to discuss pending or threatened litigation, limited personnel issues, and discussion of the purchase, acquisition or disposal of water rights.

CHAIRMAN CAMPOS: Okay, is there a motion to go into executive session to discuss items a, b, and c only.

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

The motion to go into closed session passed 4-1 roll call vote with Commissioner Montoya voting against.

CHAIRMAN CAMPOS: We'll be in executive session till about 5:00. We'll be back at public hearing.

[The Commission met in executive session from 4:25 to 5:30.]

CHAIRMAN CAMPOS: Is there a motion to come out of executive session?

COMMISSIONER VIGIL: So moved.

CHAIRMAN CAMPOS: Where we discussed only items A, B, and C?

COMMISSIONER VIGIL: That's my motion.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

The motion passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: We're out of executive session. The plan we approved earlier was to move to item XIV. A. 3, which is the Santa Fe Canyon Ranch.

**XIV. PUBLIC HEARINGS**

**A. Growth Management Department**

- 3. LCDRC CASE # MP 06-5212 Santa Fe Canyon Ranch Rosanna Vasquez, Agent for Santa Fe Canyon Ranch, LLC (David Schutz, Jim Borrego). The Applicant is Requesting Master Plan Approval**

EXHIBIT

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**for a Residential Subdivision Consisting of 162 Lots With 174 Residential Units on 1,316 Acres to be Developed in the Three Phases, and a Request for Several Culs-de-Sac to Exceed 500 Feet in Length. The Property is Located off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East And Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3) Joe Catanach, Case Manager [Exhibit 6: Supplementary Packet Materials]**

CHAIRMAN CAMPOS: Who's going to take the lead for staff? Mr. Catanach, the plan today is probably not go past 7:00 on Santa Fe Canyon Ranch, and then try to wrap up the meeting between 8:00 and 8:30. Cases that are not heard by then will be rescheduled to the next agenda. Okay?

JOE CATANACH (Land Use Technical Director): I'll just give a brief summary of the summary.

CHAIRMAN CAMPOS: Let's do that.

MR. CATANACH: Mr. Chair, Commissioners, on March 5, 2008, the La Cienega Committee had a meeting and at that meeting the applicant requested – it was granted tabling regarding the issues of water supply, phasing, other relevant issues to be addressed. And then again on July 2, 2008, the La Cienega Committee continued the public hearing and the meeting concluded with a failed motion for a recommendation of approval with no subsequent action. And I would refer you to the July 2008 La Cienega Committee minutes which are in your packet, Exhibit K. This property is located at I-25/La Entrada interchange within La Cienega, La Cienega/La Cieneguilla traditional community and these proposed lots range from .30 acre to 214 acres. The majority of the proposed development is clustered in an area of about 400 acres. The remainder of the property, about 916 acres will consist of six large lots and those are the lots of about 140 to 214 acres in which this master plan is proposing three homesites within each of the large lots for a total of 18 residential units on the six large tracts, three units per large tract.

Phase I is 80 lots, Phase II is 76 lots and Phase III is the proposal for six lots with three residential units on each lot. Now at this time I'm going to go ahead and give a breakdown of the affordables. Phase I would consist of 57 market-rate lots and 23 affordable lots for a total of 80. Phase II would consist of 54 market lots and 22 affordable lots for a total of 76, and then, like I mentioned, the six large lots would have three residential units and there would not be any affordable housing integrated into that Phase III.

This proposal comes down to 45 total affordable units dispersed within the two phases and that comes out to about a 32 percent affordable market-rate of about 30 percent, based on 151.

Existing conditions: Like I mentioned, this property lies along Interstate 25 on the south and the north is sparse rural residential development. La Entrada La Cienega is on the



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west and undeveloped pueblo land is on the east. There are three residential units presently existing on this property, and there is, as far as natural features, there is a natural wetland area that is existing on this property.

The City of Santa Fe Airport Manager has reviewed this and there would be a disclosure on the plat and the disclosure statement regarding noise impacts and that disclosure language is one of the conditions.

Water supply and availability: This property – the applicant proposed to construct a new community water system with water rights. Included in that would be about an 82,000-gallon water storage tank for domestic and fire protection, and that would be only for the purposes of Phase I. That water storage would have to be larger to support subsequent phases. The proposed water use for Phase I is 14.6 acre-feet per year. The total water budget for full build-out is 31.52 acre-feet per year with a reserve of .80 acre-feet per year for a total water budget of 32.32 acre-feet per year. The applicant's water budget estimates household use to be .18 acre-feet per year, and that includes the cushion for system lots.

The applicant has submitted supporting data to demonstrate their ability to meet this water restriction and certainly they are proposing strict water conservation measures having to do with prohibiting evaporative coolers, requiring front-loading washing machines, strict low-water use landscaping and requiring cisterns for the houses to collect roof drainage to water outdoors.

The applicant will submit a separate request to the BCC for water pursuant to the affordable housing ordinance to serve the affordable units. However, the applicant owns sufficient water rights to serve Phase I including the affordable units, so that's not part of this master plan request at this time, County water for the affordable housing.

I already gave a breakdown on the phasing and the market-rate lots and the affordable lots within each phase. I've mentioned that the total number of affordable units is 45, to be integrated within the first two phases of development.

There was a market analysis submitted, preliminary market analysis, and this analysis was conducted in early 2006 and this was based on conditions existing from the period of 2002-2005. The market analysis is obviously positive towards the development but it's indicating – it's not indicating the economic conditions that are existing now, so really that market analysis needs significant update; that's one of the conditions for if this master plan gets approved. They would have to have an updated market analysis as part of the Phase I development plan.

There was a traffic impact analysis submitted. The project proposes the main subdivision access will be from La Entrada La Cienega, secondary access will be from a frontage road extension to the Thompson overpass. It's an existing bridge that goes over I-25. So they would extend their internal road to connect with that bridge for secondary access. There will have to be some off-site improvements within state right-of-way and those off-site improvements would be submitted and reviewed at the time of Phase I development plan.

There's a request for several cul-de-sacs to achieve 500 feet in length. This is not a variance under the County Code. The BCC may consider this request if public safety factors

can be met. The length requested ranges from 850 to 1000 feet. And there is particularly one road that we do not want to end in a cul-de-sac. It would have been like a three-mile long road ending in a dead end with a cul-de-sac turn around so we have a condition that that road needs to be looped within the development, and not end in a dead-end.

Liquid waste disposal: The developer is proposing a wastewater treatment facility subject to a discharge permit from the State, and they would be – that proposal is obviously very much related to the proposal for return-flow credits, having to do with their water rights and being able to discharge treated wastewater in order to obtain a percentage of return flow credits to support the subsequent phases of Phases 2 and 3 of this master plan.

They have submitted a preliminary environmental assessment. This environmental assessment addresses various issues and recommends mitigation measures having to do with groundwater impact, surface water, soils, vegetation, wildlife, air, noise, archaeological, visual – those kinds of things. I think there has been an effort to notify various state and federal agencies and there's some letters in the packet where we did get a response from a state agency. I'm trying to think which one it was. Probably Forest Service and another state agency. They pretty much defer to the US Fish and Wildlife Service in which a letter was sent and the environmental report was sent to them; we have not gotten a response. Obviously, that's an effort to address any threatened or endangered animal or plant life on this property. There has not been a response regarding that, other than the state agencies, but not from the US Fish and Wildlife.

The master plan is proposing to address terrain management. There would be detention ponds to control post-construction runoff. There has been a slope analysis submitted and it does demonstrate that they have buildable area for building sites and roads in compliance with slope standards. No disturbance of slope over 30 percent.

This master plan is proposing about 400 acres of the site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. Open space – and there is a letter in the packet regarding those discussions which nothing has been finalized but certainly this applicant is trying to address the sensitive nature of this property in trying to have it managed and maintained by a conservation group as opposed to the homeowners association. Open space will include a community park with playground and picnic facilities. Trails will be provided which loop through the subdivision. These trails will be open to the public.

Archaeological: There was an archaeological report done. There are a number of significant sites that will have to be preserved in non-disturbed archaeological easements.

Mr. Chair, school impact: There are letters in the packet from the Public School District and for the most part, it's an ongoing review process with them. The Public School District would like to make recommendations at the time of Phase I development plan. But there are several letters to show ongoing discussions and that the school district considers this to be an ongoing review for them as to what their recommendations would be regarding school impact.

Mr. Chair, as far as the staff recommendation, I've listed the criteria. The proposed

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master plan shall be considered based on the following criteria and we're familiar with that criteria – conformance to growth management, La Cienega Plan, suitability to site to accommodate the proposed development, suitability of proposed uses and intensity of the development, impact to schools, adjacent land, viability of proposed phases of the project to function as completed development in the case the subsequent phases of the project are not approved or constructed in conformance to applicable law and County ordinances in effect at the time.

Mr. Chair, the proposed master plan is in accordance with applicant plans and ordinances for La Cienega and the County. Staff recommends master plan approval and approval for the lengths of the cul-de-sacs subject to the following conditions. And Mr. Chair, if I could enter those conditions.

CHAIRMAN CAMPOS: They're so entered.

[The conditions are as follows:]

1. A looped road shall be constructed in Phase III to eliminate the proposed dead-end cul-de-sac.
2. In the event the riparian restoration project will cause an increased depletion on the stream system the applicant shall acquire or retire water rights to satisfy this depletion.
3. The applicant shall demonstrate return-flow as required by the OSE prior to final approval of Phase II, or the applicant will acquire water rights to serve these phases.
4. Any increase in density will require a master plan amendment and platting approval by the BCC.
5. Compliance with comments and conditions presented by the following:
  - a. County Fire Marshal
  - b. County Utility
  - c. County Public Works
  - d. County Open Space and Trails
  - e. County Natural Resources Planning
  - f. County Transportation Planner
  - g. Santa Fe County Public Schools
  - h. Santa Fe County Affordable Housing
  - i. Santa Fe County Planning
  - j. State Historic Preservation Organization (SHPO)
  - k. State Department of Transportation (NMDOT)
  - l. New Mexico Environment Department (NMED)
  - m. Office of the State Engineer (OSE)
  - n. Soil and Water Conservation District
  - o. City of Santa Fe (Airport)
6. The preliminary plat and development plan submittal for Phase I shall include:
  - a. An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to

- the completion of the Rail Runner Express.
- b. A public parking area (Trailhead) adjacent to the trail.
  - c. Proof of discharge permit submittal with NMED.
  - d. Geotechnical (soils) report.
7. The trail along the access road shall be constructed in Phase I. The park shall be platted in Phase I.
  8. The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, the grantor's or user's own personal perceptions of the noise exposure could change, and his or her sensitivity to aircraft noise could increase.
  9. Master plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Article V, Section 5.2.7 of the Santa Fe County Land Use Code. As noted in Article V, Section 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the La Cienega Development Review Committee (LCDRC) and the BCC.
  10. The approved master plan must be recorded in the County Clerk's Office as required by Article V, Section 5.2.5 of the Land Use Code.
  11. Provide lot for future fire sub-station as previously proposed by applicant and recommended by County Fire Dept.

CHAIRMAN CAMPOS: Are you ready for questions, Mr. Catanach?

MR. CATANACH: Yes.

CHAIRMAN CAMPOS: Any questions from the Commission?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a brief one. Joe – and I know there are a number of people that are here this evening that want to comment. In the middle of the third page is the staff report. You give the breakdown of Phase I and II averaging about 2.5 to 2.62 acres per lot. And then Phase III is only 50 acres per lot, covering 912 acres. And you say, or I guess the applicant says that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available, subject to approval of a master plan amendment by the BCC. And my question was this a complete master plan in your view? When we look at a master plan do we, or should we look at all of what may occur on the site, realizing of course that it can be amended any time. But this seems to be a large amount of acreage that has a very vague designation as to what may occur there.

MR. CATANACH: Commissioner Sullivan, I think that my review of that

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would certainly be that this applicant should be asked what their future plans are in the event of any master plan amendment for expansion. I think it needs to come from the applicant. This applicant is making this proposal primarily based on infrastructure and water at this time. And that's probably why they're – and certainly marketing. I would think that this applicant does not really know if there's a market for these large ranch lots at this time or not. So I think there's a number of elements in place that really kind of make it unknown, but for the most part I believe it's actually based on water at this time.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER VIGIL: With the chairman gone, I'm going to go ahead and ask a real quick question. Mr. Catanach, this one is just to help me clarify the reports that were given to us. I was concerned about the environmental impact and the lack of response by I guess the US Fish and Wildlife Service, and the environmental impact on staff's summary report says refer to Exhibit F, and I do and it appears that that is strictly about affordable housing. Could you guide me to the area that you're trying to reference with regard to the US Fish and Wildlife Service on the environmental impact report?

MR. CATANACH: I'm sorry, Commissioner Vigil, did I make a wrong reference to environmental impact report that says Exhibit F?

COMMISSIONER VIGIL: Well, unless there are two F's. In my copy I look at Exhibit F, as is referenced under environmental impact and that is about affordable housing. Is that the way your packet reads, or just mine?

MR. CATANACH: It says Exhibit F; that's incorrect. The environmental impact is part of the applicant's development report towards the end, so the applicant's development report is Exhibit B, and that's the beginning of it. So as you page through Exhibit B, which is the applicant's development report, towards the end you're going to come to their preliminary environmental assessment, which is towards the end of Exhibit B.

COMMISSIONER VIGIL: I'm fine with just that question for now, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, is the applicant present? Please state your name and your position.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: My name is Oralynn Guerrerortiz. I'm an engineer with Design Enginuity.

CHAIRMAN CAMPOS: Before we begin, I'd like to know if Tina Boradiansky is present. Our meeting is short today because she asked for an accommodation and she said that she would be cross-examining folks that testified. I just want to know if she's present at the hearing today. Okay, it doesn't seem that she's present. Okay. Please proceed.

MS. GUERRERORTIZ: Okay. First I'd like to thank you and staff for allowing us to be here today. I am Oralynn Guerrerortiz with Design Enginuity and with me today is three of the project owners, which is Jim Borrego, his brother, Rick Borrego, and David Schutz, and our counsel, Rosanna Vazquez. We've been working on this project since 2005 and we've been meeting with neighbors, preparing extensive studies, preparing and

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revising plans, and we've scaled back the project significantly in response to requirements to not use imported water and to meet the desires of the neighborhood for providing more setbacks.

The land can be divided into three parcels, primarily. This area on the far west side has very thin soils over volcanic rock. The Santa Fe Canyon is here and actually it's got beautiful vistas off this canyon edge. And the middle of the project is the Alamo Creek Valley. Alamo Creek is a FEMA flood zone. It's the home of the Thompson Family's ranch home originally, and there is three homes down in this location. And then the far east side is more gentle, rolling, alluvial areas, covered with grasses and junipers.

There are two gravel mines on the property that were mined in the late fifties and early sixties for the construction of I-25. They sit in here and in this area over here. They cover about, or more than 50 acres. We intend to restore those gravel mines. There are currently nine legal lots of record. We're going to leave six legal lots of record alone, and those are the larger tracts where we're going to have the large ranchettes if you will. And the remaining three tracts will be used for Phases I and II. Road connections are Entrada La Cienega, which is up here, and the Thompson Overpass, which goes to the frontage road.

As we stated we're proposing 174 units on 1316 acre. Eighteen of those units will be located on the six large lots. The 156 will be clustered on the gently rolling terrain located on the eastern side. Forty-five will be meet the County requirements for affordability, and 128 units will be sold at market rate. Most of the lots are half an acre or larger in size, and there will be 175 acres of common open space in Phase I and II. The average lot density is one unit per 2.5 acres, which is pretty consistent with the neighborhood. In Upper La Cienega 2.5-acre lots dominate. In Lower La Cienega, many lots are less than an acre. In the Las Lagunitas Subdivision, which is to our east, which borders our property, has an average density of 2.5 acres per unit. Most of the development is between Alamos Creek and Entrada La Cienega. We have plans for a community water system fed by onsite wells. A water storage tank will be buried on a hill to provide water pressure. All wastewater will be collected and will be treated in an advanced reclamation facility which will discharge to Alamo Creek. Looped pathways will connect neighborhoods. There will be a park with a playground and a picnic facility. Lots of open space surrounds the project in natural arroyos.

The setback from I-25 is about 250 feet to 500 feet to the lots. The setback to Entrada La Cienega is 2100 feet, and the setback to a neighboring lot is a minimum of 150 feet. We set the lots back from I-25. Most of them fall behind a ridgeline, so we're trying to hide the homes and protect the natural gateway that we have.

You should also know that each home will have a defined building envelope and the remainder of the lots will be held as private open space.

We're planning a residential development that's frugal with water. Water softeners, evaporative coolers, and turf will be prohibited. Front-loading washing machines, recirculating hot water systems, xeriscape drip irrigation tied to cisterns of 1000 gallons for all homes over 2,000 square feet or more will be required. Water demand is expected to average .159 acre-feet per year, which is similar to the average County water customer's use

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for the last three years. We actually are proposing a water budget of .18 to provide a buffer.

The larger lots will have a water budget of 0.54, a little more than a half an acre. Phase I is 80 lots with 23 affordable and 57 market. The ranch property has all the necessary water rights for Phase I. We have submitted a request for return-flow credits based on piping the discharge from our reclamation facility to Alamo Creek. That request is pending before the OSE.

The project site has a number of cul-de-sacs varying in length from less than 300 feet to the longest which is 1,000 feet. It should be noted that in response to the County's request for a loop road we have land for a loop road on this site so that's not a dead-end anymore, a dead loop.

We have reviewed the plan with Buster Patty and he's okay with our cul-de-sac lengths. Off-site road improvements include adding a right turn decel lane at this intersection along the frontage road for southbound traffic. A TIA which was prepared by Craig Watts found that there's an existing problem there that we're going to solve by adding a right turn decel lane. We'll also be adding a left turn lane going into the project and a right decel lane that goes onto the southbound ramp, onto I-25. The TIA prepared by Craig Watts concluded that all intersections in the present and the future will operate at a level of service A or B.

If we're allowed to proceed forward we expect that people will start to live in Santa Fe Canyon Ranch in 2011. A full build-out will likely take anywhere from 15 to 20 years. We have submitted all the studies required and followed all the Code requirements. Staff agrees we've met Code. We agree to all conditions. I'd like now to turn over the podium to Rosanna Vazquez to cover a few more details. Thank you.

CHAIRMAN CAMPOS: Thank you. Ms. Vazquez, please state your name and your address.

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez, P.O. Box 2435, Santa Fe, New Mexico. Hi. My name's Rosanna and I'm representing Santa Fe Canyon Ranch. I want to address a couple of issues that have been raised by the community concerns that I'd like to address.

First of all, I think it's very difficult for the public and for all of us to come to a decision as to what a master plan is, and over the years, a master plan has gone from a very conceptual bubble design submittal to a very detailed, detailed study. We submit archaeological studies, we submit water budgets, we do analysis on the County utility water to determine that water budget. But I want to focus on the language in the subdivision regulations that apply to master plans, because it is a scope of the project to obtain concept approval without the necessity of expending large amounts of money. The idea is to plan. The master plan is a tool. It's a tool that the County has used to be able to plan infrastructure, plan for the future as to where development will be and where funds will need to be expended to protect such infrastructure.

What we've done with the idea of that master plan is we've looked at the Code, the La Cienega code, and the La Cienega plan, and what that Code and what that plan talk about is very similar. [Exhibit 7] The idea of a submittal that would plan a large area of land. So

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we've come in with the full 1316 acres, and we've looked at it and put together a development that we believe meets the Code and staff agrees with us. You'll note that on the development there is – the majority of it is clustered in one area. And there's been a concern with regard to the clustering by the community for a number of reasons and I'd like to address them.

The reason that the lots were put in this area to begin with is two-fold. First of all, the La Cienega Code, and I've got some handouts for you, specifically says that if you are going to protect open space, protect riparian areas, create large tracts of open space, then you are allowed to cluster development. In clustering, you are allowed to transfer density from a different area of the property – let's just say this area here – into this area. What clustering does is it effectively allows for the use of a community water system, which is mandated in the La Cienega code for this size of development, which is what we are doing.

The language that I have given to you, I'd like to specifically read into the record because there is a concern that this development is sprawl, and there's a concern that this development is not the intent of the County Code. If you look at Ordinance – if you look at the plan under density transfers, and I believe it is this one that you've got before you, it states specifically, "When density transfers result in higher site density such development shall be clustered and sited in an organic manner to fit the land features."

So what have we done here? We've created a subdivision with some streets that sort of wind, which is the need for the approval on the long cul-de-sac. We've fit them into the rolling hills in this area, and we've fit them into the topography of the area. And what I want to do for you is a comparison, because these lots aren't one unit for 2.5 acre. They average that, but they are not 2.5-acre lots. But I'd like to show you what this land would look like if we divided it up into 2.5-acre parcels. [Exhibit 8] We have handouts for the public as well on this. This would be the same number of units on the same amount of property divided up in 2.5 acres.

Now you'll note it's a schematic. There are no roads that go through there. There is no public open space in these lots, and it would be virtually impossible to put together a community water system for lots that are each 2.5 acres. It would be very costly. I note this comparison for a couple reasons, Commissioners, and that is we could do this individually through small lots and not plan the entire portion. We would not be able to achieve the goals that are set out in the La Cienega plan and the La Cienega ordinance for clustered and preservation of open space.

There's been some concern from the community about the setback from the La Cienega border, and I want to go over a couple of issues with regard to that. The owners of this property have met with the community for the last three years. I can't tell you how many meetings there have been but they have been numerous. In those meetings there have been several requests by the community with regards to what it is that they'd like to see the development look like. One of the big issues that was raised was that they wanted this development to be pushed farther away from the property line right here. And when, in 2005 this development began it was 50 feet from the property line right here. And so what has been



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agreed to by the owners behind me was to move that setback. And so it was moved to approximately 120 to 150 feet from the property line here. But I have two schematics for you because another thing that the property owners agreed to was create – put all of the large lots that you see here on the border so that there wouldn't be smaller lots adjacent to La Cienega. The smaller lots, as you'll see, are going to be internal. [Exhibit 9]

The requested that the affordable units, because they were on smaller lots, also be internal, and that's what we've done. In addition, we put together building envelopes. And the purpose of the building envelopes was two-fold. One, it was to be able to demonstrate the distance between where the house was actually going to be built to the lot line. And so you'll notice that on this exhibit, the distances from the building envelope to the property line varied from about 170 feet all the way to 315 feet to the property line.

The other reason why the building envelopes were put together, Commissioners, was because there was a concern by the community of protection of open space. So the area that is spotted here is all common open space. The area that is around the building area will be private open space. So virtually, from this building envelope over here will be completely open space. We've agreed to no perimeter fencing so that the land is continuous and the eye cannot see divisions between the homes in the area. And I show this to you because it is an attempt by these owners to try to work with the community on this very important issue. This was a very big issue and it was one of the requests that was made by the community to the developer.

I have here a list of issues that were raised by the community that Santa Fe Canyon Ranch agrees to. [Exhibit 10] I believe that you've got a handout because the language is a little small to read. So I'd like to read them into the record. I talked to you about the large lots closer to the existing community. The small lots are internal. We intend to preserve the canyon rim and waterways. The development – the ridge to the Santa Fe Canyon River is right here. It's very pristine and land and it's beautiful. The Alamo Creek and the Bonanza Creek run along this area here. The neighbors in La Cienega, rightly so, were concerned that there was going to be construction there where that area was going to be damaged. In response to that we clustered the development farther away from those areas and we are working with the Trust for Public Land, as Mr. Catanach stated, for protection of this area here and the canyon ridge. We are in negotiations with them now. I'm not sure what form that protection of that land is going to be, whether a conservation easement or an outright sale, but we are working very closely with them to make sure that this concern of protecting that area is taken care of.

As Oralynn stated, there is open space, hiking trails and biking trails that will be through the property that are open to the public. That was a request from La Cienega. There was a request for water catchment systems, which we've agreed to. Xeriscape landscaping and farming – we have allowed for water for each of the lots sufficient for some farming and some gardening as well. The site houses to preserve views. One of the other intentions that was done with these building envelopes was to be able to put them in a place that they were either hidden through rolling hills in this area, hidden by the landscape, and also integrated

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into the homes that are located in the back area.

So these building envelopes, there's been a lot of study done at master plan level to put them in an area so that they would harmonize with the existing area. In addition, one of the things that the community was concerned about was being able to site them in a way that they could be used for – solar energy could be used for these homes, and the building envelopes achieve that as well.

They requested the preserving existing vegetation, which the open space corridors do. In Phase I and Phase II approximately 44 percent of the land is common open space. It doesn't include the private open space in each of the individual lots. We have maintained the one unit per 2.5 acres. There was a request to dedicate a fire or police station on the property. We have agreed to do that. It's too early at master plan level to make some more affirmative plans with regards to where that will be but we have made that offer and it has been conveyed to the County.

Advanced waste and treatment/purification you've been told about. No lot line fences. Protective covenants – we're at master plan stage. All we've done at this point, Commissioners, is put together an outline of the covenants that we will put together at preliminary. Single lane roads, we've planted medians. We've agreed to no two-story housing. No commercial development. No tract housing. No access to Paseo C de Baca. We did have an emergency access originally in the master plan that came off in this area over to Paseo C de Baca. There was a concern with regard to it because it would bring traffic into the La Cienega area and they didn't want additional traffic so we took that out of the master plan.

They wanted to maintain the natural skylight and not give any more street lighting. We've agreed to do that and the Code requires certain types of lighting which we will comply with. No medical center. No groceries. No high water consuming plants. No traffic lights. No private wells. No non-native plants. Horse trails, and protection of the wildlife sanctuary, which I've already gone into.

While there are issues that we differ on there is a list of those that demonstrate the intent and the good faith that the developers have taken in conversations with the community to try to reach some consensus.

I want to talk to you a little bit about water now. There's some confusion with regards to water, and I'd like to clarify that. The Ordinance 2005-02 is the ordinance that this Commission put into effect a few years ago to require that master plans at least show water for the first phase of development. Wet water. So what that means is that we had to prove we had water underground through a geo-hydro, but we also had to prove that we had the right to use that water. This development has the water for Phase I. It has a license agreement from the Office of the State Engineer allowing them to divert 29.1 acre-feet of diversionary water and 14.55 of consumptive use. That water, Commissioners, is currently being diverted, 29.1 acre-feet of water is currently being diverted for farming purposes on this property.

Phase I is completely in line with the master plan ordinance Phase II will require 13.68 acre-feet of water, and it is Phase II that we are working on the OSE application for the return-flow credit. If the OSE does not approve our return-flow credit then Phase II will not

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go forward at preliminary development. Phase III will require 3.24 acre-feet of water, and that water is also pending application with the Office of the State Engineer. I want to make clear that in our master plan we set out that we had an additional approximately eight acre-feet of water. Santa Fe Canyon Ranch holds that water. There was some concern that La Capilla Ditch raised about that water. I want to make clear to you first of all that that water is not part of this master plan. That water will not be utilized for this master plan. That water was purchased for the sole intent of dealing with the OSE application and if there was a need for any offset purposes that water would be used for that purpose.

This development will bring 45 units of affordable housing. All of the units will be developed in Phases I and II.

I want to talk a little bit about some of the green features, Commissioners. It is master plan, so they aren't fully developed and we have some time to figure out what other green features we can add to this development. But I will tell you that we've made certain commitments. Those commitments are five star rating on all of the washers and dryer and all of the electronic equipment inside the home. We've agreed to locate the homes so they can use solar energy if the owners want to. We've got the return-flow credit application, which will bring water back into the creek. We've got the reclamation plant that will treat the water and turn it back into the creek. I want to make a point about the reclamation plant as well. I read in the paper a few weeks ago about the problems that La Cienega was having and the County insistence or offer to provide water for them because of potential contamination issues. We made an offer a while back that our reclamation plant could be used for connection by La Cienega residents to avoid any more potential problems like you saw a few weeks ago. The reclamation plant is oversized and that offer is available to hopefully deal with the nitrates issues in La Cienega.

Going back to the green features, which is very ~ I know, Commissioner Campos, is very important to you. The whole point of clustering really is a green feature. It's not a CID building requirement, but it is a green feature because it protects the open space and it allows for more economic use of the infrastructure.

I want to talk a little bit about Santo Domingo. Santo Domingo is our neighbor and they own the land right here in this area. Santo Domingo came to us with a couple of concerns which we've tried to address. Their concern was initially that the road that came down this eastern edge of the property was adjacent to their property line, and they were concerned that there was going to be people trespassing, people were going to be dumping trash over there, they were going to need to do more security out there to avoid some of these problems. What we've offered and what we've shown is that we've moved the road. It will meander through this area at a minimum of 75 feet away from the property line. Some of it, obviously, is much farther away. They made a request to us of 500 feet and this is what we've offered, a meandering road, minimum of 75 feet away from the property line.

The other concern that was raised by the Santo Domingo Pueblo was the cul-de-sac which we've taken out and made a looped road. They are concerned about the archaeological sites and protection of them and we wholeheartedly agree. We need to protect those

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archaeological sites. There are 58 sites on the property that we will need to protect and we've agreed to abide by SHPO's standards on those archaeological sites.

The main issue that concerns Santo Domingo Pueblo was an access that the property owners purchased when they bought this land, and it was an access point over to the Waldo exit, approximately in this area here. This little triangle would go right here. And they have – there was some confusion and a lot of it was largely my fault. But I want to make clear on this record that this master plan is not using the Waldo easement for the connections on this development. As Oralynn stated the entrance will be through Camino Entrada. The Thompson overpass will serve as a secondary access. There is not in this master plan any intention of use of the easement through Santo Domingo Pueblo.

I'd like to save some time for questions, Commissioners, and rebuttal after the public hearing is closed. I stand for questions.

CHAIRMAN CAMPOS: Commissioners, any questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Did I understand you – is the cul-de-sac still a request, the length of the cul-de-sac? Or is not that it's been rounded off or whatever, is it still an issue?

MS. VAZQUEZ: This was the longest cul-de-sac; that's gone. But these cul-de-sacs here, in order to fit these homes into the terrain and not make them a grid-like – these are them.

COMMISSIONER MONTOYA: So those are still –

MS. VAZQUEZ: Yes, they are.

COMMISSIONER MONTOYA: And then you're not using the Waldo Canyon exit. Do you have easement and access through that exit?

MS. VAZQUEZ: Mr. Chair, Commissioners, this easement, this Waldo easement was purchased in connection with the purchase of this property. That easement was researched and there is title insurance on that easement that was given when the property was purchased. But there is no intent to use that easement in this master plan.

COMMISSIONER MONTOYA: Would it impede any sort of emergency services by not having that as an access point?

MS. VAZQUEZ: Mr. Chair, Commissioners, it wouldn't. We've got the secondary access that's required, for fire, here off the Thompson overpass, and so it doesn't impede that.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? Okay, this is a public hearing. How many people intend to testify tonight? Okay. We're going to hear about 45 minutes of testimony, so are there any group leaders that would like to testify that are selected by the community so that we could go forward in that way? If you're a spokesman for the community I'd like you to come forward at this time. The folks that are here to testify, are they going to testify for or against? All those that would be testifying against, please raise your hand. Okay. Let's swear in the spokespeople for the community.

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[Duly sworn, Carl Dickens testified as follows:]

CARL DICKENS: Carl Dickens, 27347-B West Frontage Road.

CHAIRMAN CAMPOS: Mr. Dickens, how much time do you think you need?

MR. DICKENS: We have a series of representatives from the La Cienega Valley Association that have prepared responses and we would ask about 20 to 25 minutes for those six speakers to speak.

CHAIRMAN CAMPOS: Okay. Are they here right now and ready to go?

MR. DICKENS: Yes.

CHAIRMAN CAMPOS: Let's swear in the six person that will testify. There are six people I think you said.

MR. DICKENS: It'll be about eight of us then, eight or nine of us.

CHAIRMAN CAMPOS: Okay, Mr. Dickens, you're going to have to help me with the clock. You've got 25 minutes.

MR. DICKENS: Okay. I'll try and do this as quickly as possible. Thank you for allowing us to respond to the proposed development. As you review this application the LCVA, the La Cienega Valley Associations asks that you carefully consider the propriety of this proposed development for the area and for our community. You have the ability to make your decision based on the appropriateness of the development, an urban density subdivision in a rural, traditional, ranch, grazing area is not appropriate and there are other issues. I can assure you that the 50 or 60 people that spent five years writing our community plan never in their wildest dreams imagined that anyone would make this type of proposal for this ranch property. The LCVA presentation clearly demonstrates that this development is inappropriate for our area, that there are unresolved concerns about water impacts, housing densities, protection of historical and archaeological sites, riparian areas and wetland areas, inaccurate traffic data, and unaddressed noise, light and trash concerns.

Given the number of unresolved concerns, the LCVA respectfully requests that this master plan be denied or tabled until these issues are addressed and resolved. The LCVA has never denied the developers' right to develop their property but require that development be done within the context and intentions of the La Cienega/La Cieneguilla Community Plan and within the property's existing, established water rights. The Santa Fe Canyon Ranch development as proposed does not meet this standard.

At last night La Cienega Valley Association board meeting the board and every resident attending the meeting agreed that because of all the unresolved issues and problems that this master plan application is incomplete and should not be heard by the Commission. This is coupled with serious water issues that remain to be decided by the Office of the State Engineer and form the foundation of this proposal. And don't be fooled by the phases of the development; this is an illusion and a manipulation that gives the appearance that the developers have met the technical requirements of the development. It is a mirage.

As planned now, 90 percent of the development will be on 30 percent of the property. If the developers only have water for Phase I, 95 percent of the development will be on 15

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percent of the property. Urban densities right over the hills from families who have lived in our rural community for over 300 years. The developers have repeatedly refused to limit the size of the development. They seek an open-ended master plan to freely develop as intensely as they can the remaining land and that is not acceptable. We must remember this property is located in the Homestead and Basin Fringe Hydrological Zones. Any reduction of the size of the development has not been the result of compromise and negotiation but rather as a result of Code restrictions.

The development plan tonight is little change from the application presented to the La Cienega/La Cieneguilla Development Review Committee in March, a meeting in which the developers admitted they were not prepared and tabled their own presentation. It is hard to see what is actually changed and on what basis the staff analysis has changed since that time. The LCVA finds it unacceptable that the staff report does not indicate the LCDRC voted against the development. Nobody that spent four hours at that meeting thought otherwise and that includes the developers.

You will hear a lot about affordable housing. Some weeks ago I was sitting at the community center looking out the window and wishing our community could find better ways to provide affordable housing. Too many of whom are forced to live in substandard affordable conditions. Down the road in San Jose there's a house being built on rich farmland and we worry about the loss of agricultural capacity.

And then I thought of the newly revised Acequia La Capilla, an acequia that has been dormant for a number of years that has selected a mayordomo, established a commission, written thoughtful bylaws that have been accepted by the Office of the State Engineer. They have it all except water. They have no water. And this is the eight acre-feet of water rights that the developers referred to that they are in some sort of negotiation to acquire that will be used to, I assume to be retired to meet some sort of water requirement.

You see over the years the proliferation of wells, both in the area and throughout Santa Fe County have caused the springs that feed the Acequia La Capilla to dry up. This isn't an isolated situation, and those who think that La Cienega and La Cieneguilla is abundant with water you should talk to the residents of La Bajada, La Cienega, and La Cieneguilla who have witnessed the drying up of their springs, or talk to Ray Romero, mayordomo of the Acequia La Cienega about what it's like to drill a well to provide water for his acequia. Or Jose Varela Lopez in La Cieneguilla who watches his family's traditional irrigation springs dry up every summer.

Now over the hill to the south and east the developers of the remaining 1300 acres of the La Bajada Ranch have chosen to place an urban density development on 400 acres at the north end of the property in a traditional grazing or dryland area while insisting the remaining 900 acres be left open to further development. And this area of proposed development is far, very far from the County's identified strategic growth area. That's something that really needs to be emphasized. Somehow it doesn't make sense.

To demonstrate the intensity of the development I offer this graphic illustration of what this development would represent to our community. And this is a document that was

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put together by one of our residents who spent about ten hours or more gathering information. And as you see this, you will notice that the intensity – this is the proposed Santa Fe Canyon Ranch. This is the other area that has been brought down and we would love to have your County staff to check these statistics. We feel that these are very reliable. If you look at this area of proposed development it is more intense than any other part of our community with the exception of two or three trailer parks or trailer courts. So that is something that is of serious concern. So we are definitely seeing – it is definitely urban densities in a rural community.

The second graphic I want to show, this demonstrates how little the development has changed from when it was initially proposed as a 605-home proposed development until what it is now. [Exhibit 12] In our minds, little has changed from three years ago. And with the unwillingness of the developers to limit the number of homes in the development the LCVA sees little difference, or significant difference between now and what was proposed three years ago.

And to demonstrate the LCVA frustration with the developers we would like to reference a visioning information that was used tonight and it was used at the LCDRC meeting. This information is contained in your packet as part of the history that we've provided. That visioning information was something that the La Cienega Development Review Committee – no, the La Cienega Development Advisory Committee shared with the developers after their March meeting. That was a meeting that the La Cienega Development Advisory Committee requested, to sit down with the developers and talk about the proposed development.

During that meeting that visioning information was shared with the developers with the understanding that they would come back to that committee and talk about it. That was never done. In fact we followed it up and made a call to one of the developers to say we'd like to meet and talk about this information and we were told to wait until after the LCDRC meeting. We had no knowledge or understanding that they would use that information – we feel very inappropriately because number one, they never came back to talk to us about those issues that we raised, and it was a draft document that had not been reviewed by the La Cienega Valley Association board. It was really unfortunate they couldn't meet that simple agreement.

Now I want to tell you a story that has blown a new and fresh breeze through our community. This story involved the Gallegos Ranch, 300 acres of beautiful vistas and views, 30 acres of very fertile farmland that adjoins Santa Fe Canyon Ranch. It is a site where the La Cienega and Alamo Creeks join the Santa Fe River as it flows south through the fields of the Village of La Bajada. The Gallegos Ranch is a special place in an area that the LCVA has been most concerned about being developed. Some weeks ago I was asked by a representative of a land preservation organization to contact to Cohiba Group, owners of the ranch, to determine if there was any interest in selling that property. This is just one of many efforts the LCVA has made to preserve these magnificent properties.

I contacted Alonso Gallegos, a farmer-rancher from La Bajada who manages the

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ranch. Mr. Gallegos told me that one partner had bought out the other partners and was the sole owners. Alonso suggested that the LCVA meet with the new owners. Last Thursday a small group of LCVA board members met with Alonso and Bob Cochran, the new sole owner of the ranch. As we sat down at that table in our community center, Mr. Cochran asked our small group what we wanted to see happen to the Gallegos Ranch. He asked us what we wanted. To say we were stunned would be an understatement of epic proportions. Mr. Cochran was asking what we envisioned for the ranch.

For the next two hours we proceeded to discuss a wide range of community initiatives and projects: agricultural revitalization, energy conservation and production, water and wastewater issues. It was obvious that Mr. Cochran had a real sense of who we are as a community and our plans for the future. As he left Mr. Cochran took our community plan, said he wanted to study it and would get back to us. This is an example of a large property owner willing to work with the community. Not just work with us but embrace our community vision, goals and objectives. I wish this were the case with the developers of Santa Fe Canyon Ranch. It isn't.

The developers of Santa Fe Canyon Ranch and their various consultants and professionals have looked at our community plan and worked at ways to get around it, and misinterpret it to their advantage. And we as a community have grown tired of defending our community plan and worrying about what the developers are going to do next. I don't know how many times I've heard residents say they are angry and tired of dealing with the developers who have no respect for our rural community, our community plan and who have been and remain unwilling to listen to our community concerns.

This is a hard decision. We understand that. But there are times when hard decisions need to be made. And this is a time when we as residents look to our leaders to make those decisions. It is our well researched and documented opinion that the Santa Fe Canyon Ranch, as proposed, is not appropriate for this rural area. The application is incomplete and there are serious, unresolved water issues. In Santa Fe County decisions about land and water management are the hard decisions but they have to be made and they have to be made by you. Our committee, our community and all the communities in Santa Fe County can no longer afford to allow developer-driven water systems and cannot afford to have land use planning that is not connected to water planning. Thank you.

CHAIRMAN CAMPOS: Mr. Dickens, that was about 12 minutes. Who is your next speaker?

MR. DICKENS: John Herbrand is the next speaker.

CHAIRMAN CAMPOS: Okay. Please state your name and your address please.

[Previously sworn, John Herbrand testified as follows:]

JOHN HERBRAND: My address is 37 Paseo C de Baca, and also, I'll be real quick. And I'm going to ask – obviously we're going to run over that time limit you gave us. I ask that you be reasonable in terms of granting the community additional time. A lot of people have spent time coming for this and that the applicants themselves reserved some time



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and spent a good deal of time up here.

CHAIRMAN CAMPOS: I ask you to be direct. If this doesn't comply, in your opinion, with the ordinance, state specifically. It's better than rambling, better than trying to –

MR. HERBRAND: I'm going to try and be real quick. I've got a goal in being up here. I think I've sent you guys a good amount of material and didn't expect you to read it but I was trying to make a point with it. Quite frankly, I was here at the last scheduled meeting where your expert, who you've got drawing plans for future planning of the community was here and he laid out a number of issues and asked you for feedback. And he was really asking you for feedback on preliminary things that he was going to submit to you in a report, and I sent a letter with regard to that. I think the other thing that he was not only trying to get some feedback from you, but he was also feeling you out to see what your commitment was to standing behind a community plan. He was actually asking you for some feedback to him so that he could give you some things to draw a community plan that would be acceptable to everybody so we wouldn't have a good amount of these community fights. So with that, I want to make a couple of comments.

I sent you a number of historical notes with regard to the community. As I said they are fairly significant in terms of the amount of material. The reason I sent you that wasn't because I expected you to read all that material, to take it in, to believe in it, to want it. It was that within those documents there were comments by people and in the comments those people really related to some of the comments that you'll hear over time. And that's that there's an issue of affordable housing, there's a comment by one of the developers that people don't want these things in their backyard, making it seem like it's an isolated spot.

In those historical notes you have comments from Governor Richardson, Senator Domenici, Representative Udall, Senator Binyamin, the BLM, the Conservation Trust, the National Historic Trust for Historic Preservation, the New Mexico Historic Preservation Society, the Old Santa Fe Association, the Trust for Public Lands, all of whom have interest in this land, in this community as a traditional village. And I guess the point is if you walk in this building, on the opposite side of this building, the Planning Department from this County has documents on the wall about the importance of preservation in La Cienega, held with the University of New Mexico.

Those meetings that they had out there, they were funded by a guy by the name of J.D. Jackson, who lived in La Cienega. He left his fortune to the University of New Mexico, to the Santa Fe Community Foundation, to the school district. He was a cultural preservationist. He gave people money in the community. He put people through school. He thought this village was special. He's nationally accepted for those things.

And one of those documents that he wrote, *A Sense of Place, a Sense of Time*, was about the importance of preserving things that the community does. Not just about physical things that God left here, but things that man brought. If you're not going to preserve a traditional community within this county, within this distance of Santa Fe, where will you? And I think that's kind of what your expert was saying the other day that you need to set out some goals. The community has set them; they have a reasonable expectation. The

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reasonable expectation that they had when they drew up this plan was not that people would be standing between this mural and those things saying What is rural? What is acceptable? Everybody had a pretty good understanding including the people that own this land that there was a limitation and the limitation was to be a traditional historic village. And with that I'm going to pass it on to somebody else.

CHAIRMAN CAMPOS: Next speaker.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Yes.

COMMISSIONER SULLIVAN: While he's coming up, can I just ask a quick question? And maybe Mr. Dickens might be the quickest one to answer it for me. Is he still – where did he go? This is just real quick. We've heard and I assume will hear a lot of comments about compliance with the community plan, the La Cienega Plan. Could you help me understand specifically what are the deviations in this proposal from the plan, from the written plan? And I understand the concept of rural community and those things, but I mean the precise – being an engineer – numerical type things. Is your next speaker going to do that?

MR. DICKENS: He's going to address that.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Dickens.

[Previously sworn, Tom Dickson testified as follows:]

TOM DICKSON: My name is Tom Dickson. My address is 48-A Paseo C de Baca. I've been sworn. I'm a life-long resident of La Cienega and a second generation of my family to live there. I'm a commissioner on the El Guicu Ditch. I worked on our community plan from the beginning point, which was a committee of the La Cienega Valley Association that was given the task of studying the methods by which a community plan was designed. None of us knew much about that and County staff helped us to draft it. I followed through with that committee and we saw the plan for the La Cienega passed as ordinance.

It's about the Santa Fe Canyon Ranch's non-compliance, for lack of a better word, with our plan, that I will speak. Our vision of a real community causes us to recommend clustering of houses in order to preserve the agricultural uses on the small, one- to five-acre parcels that are traditionally used for farming and ranching in our village. Our ordinance was about clustering in order to preserve agricultural uses. It was never meant to address a development of the size that we're looking at here.

Ms. Vazquez showed you a comparison showing what Phase I would look like with 2.5 acres for each house. Her purpose, I believe, is to demonstrate how inefficient this would be in comparison to what is now the current cluster. The view that I take is that the flaw in each of the plans of Phase I speaks only to a small piece of the 1300 acres. Our community plan in its intention would address the entire 1300 as a whole, and the density for that would be determined by the water associated with the ranch, which I believe is the same as the County's view on that. Specifically, the division of those 1300 acres took place with the posting of public notice on the Thompson Bridge Overpass where nobody would ever see it. And while technically meeting the County Code of posting notice as well, as the County Code for subdividing by administrative approval, the methods that the Canyon Ranch used to

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achieve this division of land did not bring the community into the process.

It's only an example of my experience as a community member that's led to distrust stemming from what feels like deception. I sit on a committee that's headed by County staff that addresses possible changes or amendments to our County plan and this work is done biannually. The County staff member had to look hard in the Code to find the regulations that were used by Santa Fe Canyon Ranch to avoid the communication via their posting of the subdivision and the size of those lots that were achieved to make the larger lots that they are now using to go forward with their plan.

The resulting plan shows us 90 percent of the density on 30 percent of the land area and in Section 6.5 of our 2002-9 ordinance the definition of clustering refers to fitting into the existing rural character instead of into an urban grid pattern. The County Code Article V, Section 5.2.4 states the viability of the proposed phases of the project must function as completed units, completed developments in the case that the subsequent phases of the project are not approved or constructed. And I would ask you, Commission members to look at the difference in the plans as they've gone forward. The Phase I that was before this current Phase I and II is essentially a line drawn down the middle of them, and I don't think much consideration has been given to this County Code issue that would ask that each of the phases stand alone if they needed to. That concludes what I had to say. Are there any questions? Thank you.

CHAIRMAN CAMPOS: Okay, who's next? Please state your name, address, and tell us if you've been sworn.

[Previously sworn, J.J. Gonzales testified as follows:]

J.J. GONZALES: I'm J.J. Gonzales, 54 Entrada La Cienega. Thank you, Mr. Chair, Commissioners. The first thing I want to do is, this matter came before the LCDRC in March and at that time they had like a 28-page negative review. They discussed it here for three hours. The thing is at that point they requested a tabling and from March until July they were able to correct some of those problems. And apparently in July the County saw fit that they would recommend approval. They had a meeting at the La Cienega Community Center and at that time there was a vote taken and the committee members voted to deny a motion for approval. There was a problem with that vote because there was not a subsequent motion made in order to deny. So as a result I came forward to the Board of County Commissioners without an approval.

I think that Mr. Trujillo wrote a letter and it was received today saying that he felt that this was a very important community issue and he felt that they should be given another chance to correct this vote. Apparently County staff has ignored that. They haven't answered Mr. Trujillo's question. But I think this is an important thing and something like that should not cloud this most significant development in our community. That was the first thing I wanted to talk about.

The other thing is as far as density. We wrote this plan, when they came down to transfer of densities we felt that in order to protect significant community assets that we would allow density transfers. And this was basically in the traditional community, this was

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where a person had an agricultural field, an irrigated field or something, and in order to save that asset, that field, that agriculture they would be allowed to transfer density to one side of that field. It was never intended to deal with large tracts of land. This is the first thing that I think is very important that they take that out of context. Our community plan says in a traditional community, to protect community assets. And this is a very large piece of property. They have a lot of space in order to spread houses out. And it's also very important that the thing is that all their density is basically at one location.

They have Phase I, then they have Phase II. The thing is they claim that they use the basis of .18 acre-feet of water per household. The thing is that is what Rancho Viejo is able to do. The thing is Rancho Viejo is a community – they have high density. They probably have ten units per acre in Rancho Viejo. They reclaim a lot of their water and they have parks, so people don't have to use water in their houses because Rancho Viejo supplies them with many parks and many playgrounds. So there's no need for people really to have any outside use. The houses in Rancho Viejo, there's like five-foot clearance on either side of the houses. From the street to the sidewalk is probably five feet. So they have large houses on very small lots. They have condominiums there. They have townhouses there. They have very small lots. So I don't think that this is a good comparison – Rancho Viejo and Santa Fe Canyon Ranch.

A better comparison would be Las Lagunitas, where they have  $\frac{3}{4}$ -acre lots. They have one-acre lots. They have 2  $\frac{1}{4}$ -acre lots and Las Lagunitas is on the County water system and the usage there is closer to .25 acre-feet. The covenants at Las Lagunitas allow residents to use .3 acre-feet of water. And the thing is that as far as their line loss, that is made up by Santa Fe County.

As far as the plan for Santa Fe Canyon, they have 14.55 acre-feet of water per year to use. That amount is taken up by the 80 homes. They have 80 homes times .18 is 14.4 acre-feet of water, so they don't have any provision for any of their other uses like line loss, fire protection, their agricultural, their landscaping. They don't have any provision for that so to be fair to everybody, they should be required to have .25 acre-feet per household. And that would limit their development to maybe 40 or 50 homes. That way they could have 20 percent line loss. They could have water for all their other uses and that way in the future those residents would not be up against somebody using too much water. And that would be probably in compliance with County regulations where everybody is allowed to use .25 acre-feet.

The other thing is that they have a license from the State Engineer. That license was the result of the people on that ranch, Thompson not using the water rights that they had for approximately ten years. They transferred water to that ranch. They never used it. They were up against a deadline with the State Engineer to prove beneficial use. As a result for one year they irrigated a nine-acre tract of land. As far as irrigating land in that area, that same parcel, it hasn't been done for a long, long time. But the State Engineer accepted the usage and it gave them a license.

But in that license, the last page of that license says that these water rights cannot be exercised to the detriment of other water rights in the community, and we're concerned about

their use of the water rights and how it impairs water in La Cienega. The other thing is that they have an application before the State Engineer to transfer water rights, the 14.55 acre-feet, in order to transfer them to subdivision uses, agricultural uses, livestock uses, commercial uses, industrial uses, domestic use. The thing is that application is pending before the State Engineer. There's a hearing at the end of the month, on the 23<sup>rd</sup> there's going to be hearing. It's going to determine the status of those water rights. Whether they're granted that water they're requesting. For that reason I don't think this application should be approved with all these questions.

The other thing is that they have a return-flow credit plan, and that return-flow credit plan is what they're counting to use for Phase II. If the return-flow credit is not granted then everything stops. They have to rely on the 14.55 acres in order to do their subdivision. And then as a result, all the development is going to be on a small parcel of land and the other 80 percent of the land will be open space or have smaller density. So the other problem we have is we don't feel that this development can stand on itself with only Phase I. They need to be able to do something in order to be able to get Phase II and Phase III. The way it is right now is that's not going to be determined until the State Engineer rules on that application. There's going to be a hearing at the end of the month.

So for those reasons I think I would ask the Commission to deny this or table this until the State Engineer makes a decision. Thank you.

CHAIRMAN CAMPOS: Next speaker.

[Previously sworn, Mary Dickson testified as follows:]

MARY DICKSON: Mary Dickson, at 48-A Paseo C de Baca in La Cienega, and yes, I have been sworn in. My husband and I are full-time farmers on the El Guicu Ditch and we are farming three acres that have been in my husband's family for fifty years. La Cienega is a rural, agricultural community that has water rights that date back to the early 1700s. Every year these springs that feed the acequias are producing less and less water and there's even one acequia drying up in the 1980s. And this is due to the surrounding development that has happened over the years. And with the Santa Fe Canyon Ranch added to that, right near us, it's just going to make these springs and acequias produce less and less.

The importance of being able to grow our own food and sell it locally is a really critical part of our future. It's not just us as farmers but us as people. And in order for us farmers to be able to make a living farming our land in La Cienega we need to protect this water. When the springs and the acequias have dried up so will the agriculture of our rural community of La Cienega. It's just farms everywhere too are going by the wayside and we don't want that to happen in La Cienega. Thank you.

[Previously sworn, Ray Romero testified as follows:]

RAY ROMERO: I'm Ray Romero. I reside at 73-A Camino Capilla Vieja, La Cienega. I'm the mayordomo of the acequia. I represent the acequia through the valley association, as a board member there. I won't take too much of your time. I have some handouts here if I may. [Exhibit 13] If you want to look at the last page, these are all readings from the USGS, what we take at La Cienega twice a year. At the last page you'll see in 1971

our water flow on the acequia was 1.7 cps, which amounts to 763 gallons a minute, and if you look the front page – there's other pages that you might want to look at but I don't want to take that much of your time. On the front page you'll see that we're down to 106 gallons a minute, that's at the headwaters of the spring, coming out. We take measurements right there.

So what I'm trying to tell you is that we can't afford to have those springs deplete any more than what they are right now. Even though the water flows downhill from where we're at it still is going to suck the water down from the springs. So what I'd like to say to you is we can't afford any more depletion on those springs. And for your information, you have the readings there and I'm not going to repeat anything else because I think these others guys have done a pretty good job. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. Romero.

[Previously sworn, Charlie C de Baca testified as follows:]

CHARLIE C DE BACA: I'm Charlie C de Baca, and I live on 7 Ya Cállate off of Paseo C de Baca. I'm a life-long resident of La Cienega. I want to thank the Commission, chairman and Mr. Anaya for letting us come and speak here. We've lived in that valley since the 1800s. I'm the mayordomo there of the El Guicu Ditch. I've been the mayordomo for the last 35 years. I grew up there. I roamed all that property, the Canyon Ranch, all over La Cienega as a kid. And I've seen it grow, and it continues to grow. I wish it wouldn't grow as fast as it, but I guess we can't fight development.

But our water is being depleted. We were instructed by previous Commissioners back in the nineties for the communities to get together and come with a community plan, put a community plan together so everybody would understand. And we did that. I was one of the first members in the La Cienega Valley Association and I worked on that community plan for five years. And in that plan, the owner at that time, Mr. Warren Thompson attended those meetings, and he agreed with the rest of the community as to what should happen to that property and how the community should move forward. It went on, it went on. Now it's about eight years later and here we are discussing that property.

According to Mr. Thompson he agreed the property should only have 99 houses on that property. Now the story is 600. Now, it's 300. Now, it's 76. We never get a good answer from the developers. That's all we want. We don't want nothing free from the County or anybody else. We just want our fair shake. We've been there a long time. The community has been there, and development is taking over all over.

What I don't understand, working in the community plan and the Commissioners, the County instructing the community to come up with a plan and we come up with it but then when we come here the plan isn't followed or loopholes or whatever. I just feel that there was a loss of time there to spend five years, meetings every week, to discuss, fight with our neighbors, fight with everybody else and we're still there. I think that the County has to follow up on itself. If you direct a community to write a plan and then it doesn't mean anything, I can't understand that. It's just said that we're losing our water and that. People run for office. People talk about it. Preserve our culture. Preserve our water. Preserve that. But when it comes down to agricultural and communities like that, it doesn't happen. Why, I

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don't know. I mean if developers don't see what communities have gone through, agricultural communities like let's say the community of La Cienega, and that it's a lot of work. We've put a lot of effort into our agricultural fields to try to preserve water so we can have water to irrigate the next years or so. Our ditch has been in court since the seventies over our water.

We fought with the racetrack over our water and we're still fighting over that water. Finally, we got a developer that realized what the community was about and he worked with the community in his housing project, which was Las Lagunitas, and as far as I'm concerned, that is the only developer that I've seen in this community that discusses the community with the community members, that, and tries to work with them. That doesn't happen. That's what we'd like to see. I mean, Mr. Schutz over here and Mr. Borrego said that they met with the community and they have. They've met a bunch of times with the community. But nothing has changed. They say they've got their ideas here what we met about but nothing changed.

So I don't know. But here on this paper here that I just got, the water chart, it says here will not be built if OSE application is not approved. Why is the County going to approve the master plan if they don't have all their ducks in a row? The water is a big issue there, and it has to be addressed. Another thing, I understand master plan approval. I was a project manager for a developer in Rio Rancho, the Mariposa Development. Here you have a master plan, here they're coming with 1300 acres, how come the County doesn't say, well, what are you going to do with those 1300 acres? At first they said they were going to put two houses. Now they came back, now we're going to do it in phases, so what are they doing? They haven't explained that to the community.

Mr. J.J. Gonzalez brought a lot of issues about the water so I'm not going to reiterate what he said but I feel that this master plan should be tabled until we get a decision from the State Engineer's Office on what water is allocated and what is not. Like I said, I grew up in that valley and I never saw anybody plant on that property. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. C de Baca.

[Previously sworn, Anna Murphy testified as follows:]

ANNA MURPHY: Hi, Commissioners. My name is Anna Murphy. I live at 24 Camino Loma and I have been sworn in, and I'm aware that the time is running out so I will try to be brief. One quick response I want to make and I thank Charlie C de Baca for everything he said. I think when Warren Thompson said 99 homes he intended those 99 homes to be on 1300 acres, not to be clustered on the northern portion, closest to La Cienega. So that's just a quick clarification.

What I actually looked at was the traffic impact analysis report, prepared by Craig Watts, and I looked at it and I found some problems. In the design of the current master plan the primary access to the development is located at the intersection of the West Frontage Road and Entrada La Cienega. As you know, that places nearly all of the traffic generated by the development onto the existing La Cienega Road. In the master plan there is no design for creating on- and off-ramps at the Thompson overpass that was paid for by tax dollars. That is a viable overpass that could be used to relieve the traffic at that existing intersection that the developers to date have not explored.

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In fact, instead of looking into that they offer a plan that includes constructing a frontage road extension to the Thompson Overpass over the westerly side of I-25. Now, tell me, who is going to drive to a bridge that doesn't get them on an interstate? It's a bad plan.

I know the developers will respond that the level of service of traffic at that intersection, Entrada La Cienega and the West Frontage Road, is not of concern and therefore they should not be required to pay an engineer to design on- and off-ramps to the Thompson Overpass. And I know I'm not an expert in the field. I know I'm a resident of La Cienega that has been interested in this project for the past three years, but I did look at the report that Craig Watts submitted. And his traffic impact analysis report was completed in April of 2007. His traffic volume counts were taken in March of 2007. My understanding looking through the report is that many of these counts were actually derived from count data taken in January and February of 2006.

As a resident who uses that intersection, if not daily then with a lot of frequency, the numbers in that report seemed unrealistic to me. But not only to be but to other residents, including former County Commissioner Linda Grill. And Linda Grill was told that their traffic volume counts were conducted on a Sunday morning to determine peak a.m. traffic flow. That doesn't seem very logical to me. So she decided she would perform her own count of traffic at that intersection with the help of another resident, Chris Raywood. They're up against a number of challenges for collecting accurate data. Number one, we have no overpass. As of May the La Cienega Overpass has been torn down for Rail Runner construction. Number two, at the time that we needed to verify numbers schools weren't in session and if school had been in session I know traffic volume would have been higher due to school buses and people in the morning taking their children to school.

However, those challenges aside, in the traffic impact analysis of March 2007, figure 4, page 15, the total number of vehicles at that intersection, the West Frontage Road and Entrada La Cienega was 203 in Craig Watts analysis. Linda and Chris, on Friday, August 8<sup>th</sup> between 5:30 a.m. and 9:00 a.m. counted 253. Okay, it sounds like a small difference, fifty cars. It's a 20, 25 percent increase, and that's without a bridge. That bridge would have brought over traffic from the east side to access Albuquerque. There would have been a higher number of traffic volume. So I believe the developers' data could be outdated or flawed for other reasons, and they should be required to perform an updated traffic impact analysis with new projected level of service figures. It might show that they need to use that Thompson Overpass in a way other than just a bridge to the other frontage road.

If that one small correction from what they presented – and I'm sorry I don't know your name – Oralynn Guerrerortiz presented that even at the 2021 build-out period, the traffic, the level of service, the LOS as they call it, would never exceed a B or a C. Herein, Craig Watts' traffic impact analysis report – I have a sheet. It is page 22 of that intersection, and it states that at build-out it will reach a level C. And that's using his numbers that appeared flawed.

At level C, many vehicles stop. The next steps beyond that become questionable at best in terms of traffic at a particular intersection. Level D and E are not what you wish for a



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rural community.

The other thing, and it's connected to traffic, are some of the overlooked environmental impacts – light pollution, noise pollution and increased litter. I think as a resident I speak for many people who feel these haven't been fully addressed in the master plan and as Commissioner Vigil pointed out, we're still waiting for a response or asked the question early from the US Fish and Wildlife about protection of wildlife. I did hear that they have agreed to certain streetlights to prevent some of the light pollution but what covenants are in there to prevent residents from increasing light pollution.

There was an act that was passed, a bill that was passed in 1999 called the New Mexico Night Sky Protection Act. They declared the night sky one of the state's most endangered cultural resources. I think that further research should be done on the light pollution, not only generated by this urban density clustered development but also during the ten years plus or minus build-out period. I think noise will be of equal concern during the build-out period and I hear that in the staff summary there was a condition for some noise abatement. I think it hasn't been explored fully. And I'm concerned about garbage, considering that this will be a ten-year build-out period, 125 to 150 feet from people's homes.

For all these factors, I think it could be unbearable during that build-out period for existing residents if there aren't conditions placed on them, or if the master plan isn't amended. I don't want to take it on faith that the developers are going to hold themselves accountable. I think it's unacceptable as it stands in many ways that have been discussed tonight and I would respectfully asked that it be tabled until some of these major questions are addressed, and I thank you very much for your time.

[Previously sworn, John Paul Gonzales testified as follows:]

JOHN PAUL GONZALES: Mr. Chair, Commissioners, my name is John Paul Gonzales. I'm a resident of 54 Entrada La Cienega, which adjoins the property in question, and I am under oath. I can't say anything legal or technical that has already been said, nor can I make any better suggestion than what has already been made by the La Cienega Development Review Committee, who are neighbors of ours, trusted by you people, the Commission, to make the right decision. I feel their recommendation was proper in this case even if the technicalities do not permit you to use that information.

First and foremost, that decision was made to preserve the rural integrity of La Cienega and it should be evident from the community gathered behind me, and I thank them all for showing up, that there is a lot of question to this plan a great deal of divisiveness. I ask the Commission here why you would approve that animosity. We wonder every day where these seeds of resentment come from that exist within New Mexico and I believe they are sown at places like this where we cannot accurately address the concerns of both parties or all parties concerned.

I personally stand opposed to this development, not only because of this, but also because it holds in contempt the rural character of La Cienega. There's that word, rural. It's not a city, it's not a suburb, it's the country. It's a way. I'm not sure if I can accurately explain it, but it is indeed a way of life, and sticking a development of this magnitude and this size

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into a community with this much resistance could only be disastrous. I feel the best the Commission seated here today can do at this point is to table this proposal until the serious and far-reaching disagreements can be addressed, lest another rift be made.

I also stand opposed to this based on the fact that the rural integrity would be compromised, to say nothing of the character of La Cienega. This development is not within the County's strategic growth area, therefore it should not be considered integral to the development of the progress of Santa Fe as a whole within the county. I urge you to please consider the spirit of our community plan before you make any decision. Thank you.

[Previously sworn, Linda C de Baca Grill testified as follows:]

LINDA C DE BACA GRILL: Good evening, Commissioners, Mr. Chair, fellow Commissioners, staff, developers, Mr. Borrego and Mr. Schutz. We're happy to see you again. I wish it was under different circumstances, but here we are again. I'm going to just go through a few things. You already heard a lot of this stuff. I want to let you know that we, the residents of La Cienega, and we are a valley, okay? We do support affordable housing. I am not here to tell you not to approve the development. The development is going to happen whether we want to or not. That's a fact.

My family, the C de Baca family. By the way, my name is Linda C de Baca Grill. I have been sworn in, Mr. Chair. I live on 54 Paseo C de Baca. My family has been there since the late 1700s and 1800s okay and have been using irrigation water since then. I'm a life-long resident of La Cienega. In fact my sister and I donated several acres to the University of New Mexico so it would be preserved on our property that we owned. I started the La Cienega Valley Association when I was on the County Commission because I felt that it was really important for us to have a say-so as a group when we came before the Commission. I have some questions on what the developers have stated here tonight. They talk about hiking, walking trails for the entire community. I would like to know if that also includes the valley of La Cienega. The other one is for fire and police emergency. I'm a member of the La Cienega volunteer fire department, and I want to know, is this something the developer is going to build, or is this something the County is going to build for the valley. Okay? Another thing that I want to ask them at this time, do the developers own the water rights from Acequia Capilla Ditch. I don't know whether they own it or whether they're during the process of purchasing it. Okay? And the return-flow credit is not going to help our valley in any way. So I've got a concern about that. Also, horse trails. We have a lot of horse people in La Cienega. Will we be allowed to use those horse trails? And another thing also that I want to address here, and I want to thank the developers for this part of it, and I also want to thank Commissioner Anaya who helped us out on this one. My brother and I were really concerned about the new Paseo C de Baca access. Okay? The road that was there to begin with was a ranch road that my dad owned on 255 acres of land. That road was never used for any purpose but for our ranch. But I appreciate that they decided to remove Paseo C de Baca from this plan.

I just also want to let you know that you have a petition, several petitions that were signed that were handed to you at the last council meeting. There was 275 petitions, and most of

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those were signed by members of the valley, not members from out of Santa Fe. So I just want you to be aware of that. Okay? And I am aware that the State Engineer has not decided how many water rights they have. We'd like to see that happen before you Commissioners go on with this plan, so if you have to table this until we find that out we'd really appreciate that. That's one of our big concerns is the water. We have been in touch with State Engineer personnel and I have been informed that if they use their wells from the property it will have a big impact on our valley. If the County supplies the water, that's a different story. So that's another concern for us. So I hope that whatever you decide on tonight that it will be for the betterment of the valley, not to ruin our valley. It's a beautiful valley. If there's any questions, I'm willing to answer them.

CHAIRMAN CAMPOS: Questions? Thank you, Ms. Grill.

MS. GRILL: Thank you very much for listening to us. We really appreciate it. Thank you for the wonderful job you're doing for us. We appreciate that also. Thank you.

CHAIRMAN CAMPOS: Commissioners, it's getting a little bit late and I'd like to suggest that we limit our considerations to this case tonight, and that we allow all the other applicants to go home and to have their cases heard at the next BCC meeting. I don't want to go beyond 8:00, 8:15, but there still seems to be a lot of people who want to talk, and I'm sure the applicants are going to want to have a response. So it that okay?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I want to know when the next – when it's going to be on the next meeting because I have a schedule in front of me that I'm going to be missing two meetings. And I don't want to miss this.

CHAIRMAN CAMPOS: We're talking about the other cases.

COMMISSIONER ANAYA: Oh, the other cases. Oh, okay.

CHAIRMAN CAMPOS: And seeing how far we can go tonight. Seeing if we can maybe finish, maybe not. We'll do our best. That's what I'm suggesting. Is there any objection to that? Okay. So then this is the only case we're going to hear tonight. Everybody else will be rescheduled to the next BCC meeting if that's possible, and we're going to take a ten-minute break at this time. Thank you very much. We'll be right back.

[The Commission recessed from 7:20 to 7:30.]

CHAIRMAN CAMPOS: How many more speakers to we have? There may be speakers for, there's going to be a lot going on and we've got to expedite. I'd like anybody who makes a comment to be very specific, precise and focused. No rambling. Keep to the issues, and try to avoid repetition. A lot of things have been stated. Who's the next speaker?

[Duly sworn, Marilyn Bane testified as follows:]

MARILYN BANE: My name is Marilyn Bane, 622 1/2-B Canyon Road. Thank you very much. Chair Campos, members of the County Commission, my name is Marilyn Bane. I am president of the Old Santa Fe Association. I know that you know me from often our passionate stands in terms of advocating for historic preservation, particularly where it pertains to buildings. In this particular case this evening, I'm going to be advocating for

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historic preservation of a way of life.

We find that this development is a bad development, it's a huge development, it's a development that should not be built. It will be a very bad commentary coming into the City of Santa Fe from La Bajada Hill. We know that La Bajada has been named one of the most endangered places in New Mexico by the New Mexico Heritage Preservation Alliance. Many of us in the historic community are very concerned about this and we ask you to please reject the plans for this development. Thank you very much.

WAYNE BLADH: Mr. Chair, my name is Wayne Bladh. I'm the attorney for the Santo Domingo Tribe. I have a written document for you. My business address is 1239 Paseo de Peralta in Santa Fe.

CHAIRMAN CAMPOS: You've given me a document, two copies? Is that right?

MR. BLADH: I should have given you four.

CHAIRMAN CAMPOS: Three copies. Have you provided this to our legal counsel?

MR. BLADH: Yes.

CHAIRMAN CAMPOS: You have? Okay.

MR. BLADH: I'll keep this very focused. What I want to address is an issue that the other speakers have not talked about and it's an issue of great concern to the Santo Domingo Tribe. And that is the protection of the archaeological sites that have been identified. The County's Code requires, in this particular district, which is of high archaeological significance, that there be a report that identifies the archaeological sites and recommendations on what will be done to preserve those sites. There was a report prepared by a Mr. Kludt that identified 53 or 54 sites, 47 of which were new. Nobody knew they existed until he went out and did that study. This is a very pristine area. His recommendations in his report are part of the record before the Commission.

His recommendations included what is essentially the destruction of 25 of 38 sites which he identified as significant. And when I say destruction that's what would be allowed when they call treatment of an archaeological site, as opposed to preserving it or avoiding it. That report was filed as part of the application, but also as part of the application in Sheet 3 of the master plan, there is a notation on Sheet 3 that identifies a condition on any building permits, which says that – again referring to those 38 significant archaeological sites that were identified by Mr. Kludt, that all of those sites would be subject to non-disturbance easements.

That is not what the archaeological report recommended, but it is certainly what the Santo Domingo Tribe thinks is the right approach. All 38 sites identified in the Kludt report as significant should be avoided in any construction that takes place, and should be subject to non-disturbance easements.

The next point though in terms of the record is that that archaeological report was submitted to the state Office of Cultural Affairs for comment, and the comments from that State department are also in the record. That report identified another set of sites that were

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deemed to be significant. That report disagreed with the characterization that Mr. Kludt had applied to many of the sites, which Mr. Kludt thought were not significant. The Office of Cultural Affairs said that there were significant, or that the significance had not yet been definitively determined. The list of significant sites from the Office of Cultural Affairs does not match the list that Mr. Kludt put together. There's some overlap. There's some that are not on Kludt's list and there are others that are not on the Department of Cultural Affairs' list.

At this stage of this development, at the master plan stage, the tribe very much urges the Commission to be very clear in any approval that you may give to the master plan, either tonight or at some later date, on what is required for those archaeological sites. All of the sites that have been identified as significant, either by Mr. Kludt or by the Office of Cultural Affairs, or the sites that the Office of Cultural Affairs says there has not yet been a determination on significance, and that will require more study, all of those sites should be avoided in any construction. They should be subject to non-disturbance easements, and if there is a development plan submitted at a later stage of this proceeding the development plan should avoid all of those sites. They should be preserved and not destroyed.

It's an issue that's of great significance to the tribe, and it's also given great weight in the County's own Land Use Code. That's the main point I wanted to make unless there are any other questions.

CHAIRMAN CAMPOS: Questions? Thank you, Mr. Bladh.

MR. BLADH: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, next. Name, address and let us know if you've been sworn.

[Previously sworn, Mitra Lujan testified as follows:]

MITRA LUJAN: Mitra Lujan. I live at 05 Los Gatos Lane in La Cienega. My concern is economics. I don't have to tell everybody how bad the economy is right now. And there were homes in Santa Fe that were put for auction, didn't sell. There's 200 and something homes there that haven't sold. There's a new development. What happens, what plan does this Canyon Ranch have if no one buys their houses? We know what happens to them. People trash them. Things get stolen and the economy is bad right now. We can't fool ourselves. We don't think that we're going to build houses and they're going to sell and we're going to have people living in them right away. So what plan is there for them? The houses that are built and don't get sold, if the community is there and becomes a ghost town. That's my question.

I'd also like to know if all the developments that Mr. Borrego has built have been sold. Thank you.

CHAIRMAN CAMPOS: Thank you very much. Next speaker. This will be the last speaker against and then we're going to shift to for. We've got to – it's already 15 till 8:00. We're running out of time.

[Previously sworn, Peter Cooke testified as follows:]

PETER COOKE: Peter Cooke, 69 Camino San Jose, La Cienega. This regards the Capilla Ditch. And I'd first like to thank Commissioner Mike Anaya and Virginia Vigil

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for showing their interest in the Capilla Ditch and showing up there and looking at it. First of all, the Capilla Ditch has all its papers in order. It has its law, so it is a commenting agent. Because it is mentioned specifically in this master plan it is a commenting agent and it must be properly asked to comment. There's a protective law.

The second thing is that the 8.5 acres that is being claimed to be owned or going to be used in this master plan, the contract is in the hydrological report of the master plan, and the mayordomo of the Capilla Ditch has a meeting with the State Engineer. There's a problem with water stacking. There's a letter in the Capilla Ditch's folders from the State Engineer to the seller of these water rights. There's a problem of water stacking. There's a problem of these 8.5 acres.

The second thing is this. That in the water laws of the Capilla Ditch, because it's an ancient acequia, what was written in the water laws is that there is no instrument that can consider or entertain water being sold out of the Capilla Ditch. That's in the laws. So that the contract is not a warranty deed. It is a contract between the developers here and somebody who owns water rights in the Capilla Ditch. It must be warranty deeded by the State Engineer, and within this meeting, having looked at this contract of water, the State Engineer has told us that they will not warranty deed these 8.5 acres. So what you have in this document is an illegal statement, because the 8.5 acres cannot be mentioned or used. And that's all I have to say. Thank you very much.

CHAIRMAN CAMPOS: Thank you, sir. Okay, I understand there are some speakers that would like to speak in favor of this project. Who – would you raise your hands? I'm not talking about the applicants; the applicants are different. I'm talking about the public. Okay, members of the public stand up, sit up here in the front, we're going to swear you all in. Just be very brief and focused. Okay, there's three. Sir, are you going to speak?

[Duly sworn, Bob Martinez testified as follows:]

BOB MARTINEZ: My name is Bob Martinez. My address is 1324 Grandpa's Ranch, Santa Fe. I have three areas that I want to touch upon, and that is a father, a grandfather and a realtor. As a father I have three girls. Today they have to live in Albuquerque because there's not a place for them to live here. As a grandfather, I have four grandchildren and if you have grandchildren and you miss them and you want to go drive an hour to go see them, it's hard, and that's part of my life.

I am a realtor. I started in 1980. I got 28 years in the business. Fortunately, I can define that I've sold the largest mobile home park in La Cienega, for Mr. C de Baca. I'm also at the other end of the spectrum. I've sold ¾-acre lots for people that we keep on talking about that are historical people that have been here all their lives. I've seen the La Cienega develop out in the 28 years that I've been in real estate and I hear the intent. I hear the ruralness, but I can tell you that the amount of listings and the amount of people that are the original people that have had to develop their lots out to ¾-acre lots to sell them, and I've actually sold water rights in the La Cienega area, so I understand the end of the spectrum.

So as a realtor, when I first – or let me back up. As a human being, when I first moved into Santa Fe, Camino Carlos Rey was the end of Santa Fe, and rural living was Rodeo Road,

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was Airport Road. Currently I live on West Alameda and we have been to meetings where a bridge is going to come across Siler Road and the ruralness of what we have – there's an acequia that's running in front of my property. I raise horses. I know what rural is. I know what irrigation is. But unfortunately, the thing that everybody keeps on defining is Santa Fe has evolved. In a lot of organizations that I can take you back to the 1700s, 1800s, 1900s, to today. And do you know what it is? One of the original people that talked about here that grew up in La Cienega, he says development is a reality. It is. What I would love to do is I'd love to find my daughters being able to afford to come back and move in. I'd love to see my children and grandchildren growing up in a community where because of the Governor and because of evolving growth, we can get to Albuquerque through the Rail Runner system, but with respect and responsibility. And I think that the developers have done more than their share to do what they've done, to try to amend and agree with and work with the community. And I thank you for your time.

[Previously sworn, Joe Ortiz testified as follows:]

JOE ORTIZ: Mr. Chair, members of the committee, my name is Joe Ortiz. I live at 99 San Marcos Loop, Santa Fe, New Mexico. I wanted to speak to the design of the overall master plan and planning as a whole. The question is that this plan proposes is exactly what the national building codes talk about when sustainability is involved and water and less roads. And I believe that it embraces the spirit of where we want to be. We spent a great deal of time with the south Community College District in clustering and planning for those things.

If you don't take the initiative to do these grand-scale, futuristic plans, then you get hodge-podge. And you get things going on like family transfers over here and traffic problems. By embracing it as a master plan, which it is, you're allowing the tools that you as a body and staff has to plan our futures. Not this generation, not this Board, but years and years from now. These homes aren't going to be sold in the next five years. It will go to two, three, four market cycles if we're real lucky, and the ups and downs and the ebb and flow. But what's really important that you need to understand from a marketing standpoint is that by creating this type of consistent, sustainable supply of housing product you stabilize our real estate market, and we're not going to run through these run-ups in the real estate so that we have these disparity gaps of affordability versus [inaudible] It levels the field and by adding supply to the marketplace you are doing exactly what you need to promote affordable housing. Not just the 45 homes that they're instructed to build, but the overall environment of the marketplace.

We take huge risks in the development business. And sometimes we're rewarded hugely and sometimes we take it in the teeth, and that's what's going on right now. For them to stay here and bring this proposal forward in a market condition that we currently have is admirable. I wouldn't have the stomach for that. I'd let it sit for another ten years and those 45 people wouldn't have homes and our market would continue to be unstable. It's quality projects like this and the other large projects that are there, they sound large but they come off in pieces. And they in fact react to the market better than small, individual projects,

because they can withstand the economic up and down that goes into our development business. And I applaud them for it and I ask for you to support them. Thank you.

CHAIRMAN CAMPOS: Next.

[Duly sworn, Wayne Sowell testified as follows:]

WAYNE SOWELL: Mr. Chair, County Commissioners, my name is Wayne Sowell. I live at 12 Calle Verado, Santa Fe. I'm the manager of engineering for Public Service Company of New Mexico. This gentleman took 90 percent of my speech. I'll just bring up one point. Commissioner Sullivan, about an hour ago asked a question. What part of this master plan does it not meet either La Cienega master plan or the County's master plan? Commissioner, you didn't get an answer and I think it's evident why you didn't get an answer because after three years this master plan, going through the iterations, going through the focus groups, over and over and over again, there is consensus and the definition of consensus is nobody gets 100 percent of what they want.

The reason you didn't get an answer is because this meets the spirit, the intent and the letter of the law. It also meets the intent that the County wants to reduce the number of septic tanks, the nitrate levels that La Cienega is experiencing. Through master planning you're going to reduce nitrate levels. You're going to reduce individual septic tanks. You're going to reduce the individual water wells, and I think that's the overall where we want to be in ten, twenty, thirty, forty years down the road in our county. The folks from La Cienega spoke very passionately. They spoke with love for their community which should be respected. At the same time we need to look at the bigger picture where we want our master planning for the County to be in the next 15 to 20, 30 years. Thanks very much.

[Previously sworn, Kurt Young testified as follows:]

KURT YOUNG: My name is Kurt Young and I have property adjoining the property that they're proposing to develop. What I'd like to say is I'm one of the owners of the adjacent ranch next to the property and I've been following this project with a lot of care for a lot of years and it's been subjected to a lot of administrative hurdles that the applicants have overcome and they've scaled down the project tremendously from its original vision to help appease some of the neighbors and I've think they've in earnest tried to work with just about everybody. I know they've gone and talked to everybody person to person and they've spent tens of thousands of dollars trying to perfect this development.

It's been held up to the highest standard and they've risen to that standard and what they're trying to do and what they're proposing I believe to be a very workable, sustainable development that has the ability to create open space and a clustered development. It creates a sustainable living community while allowing for a country lifestyle. The only problem of course is water and I certainly wish that they had a connection to the County and I think a lot of the folks here aren't opposed to building, just the water.

That being the case I think that the water they have is suitable for the project that they're proposing in the initial phases and I know the Borregos to be very upstanding citizens and good people and they've done their best to comply with just about everything that they've been asked to comply with. And I think that there's another phase to this project that



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a lot of folks overlook and that is the ability to create some good affordable housing in the county for folks that need it, and that will allow for some of the folks that can't afford to live here to be able to stay here.

It will create jobs and it will perhaps put a development in that part of town, that part of the county that would look very good and attractive and increase the values of people's homes. And I think that in years to come, the decision that's made tonight is very important for a lot of people and a lot of reasons. But I stand behind these folks here making this development and I certainly hope that you all can do the same.

[Duly sworn, Javier Gonzales testified as follows:]

JAVIER GONZALES: Mr. Chair, members of the Commission, I'll be brief. My name is Javier Gonzales. I live at 1109 Don Gaspar Avenue. I wasn't really intending on speaking tonight. Two reasons. One Commissioner Sullivan, Commissioner Campos, just a couple of months left so I had to try and grab some time in front of you one last time. And two, while I don't have a financial interest in this subdivision I do have a profound respect and affection for the Borrego family who's done a great job in many of the other subdivisions they've done. I think that they'll do a great job here.

But I wanted to give you just, Mr. Chair, a couple of some historical background. I'll keep it very brief, because members of La Cienega spoke tonight and those are individuals who advised me during the eight years when I was on the Commission when I represented that area. When I came into office one of the biggest arguments that were going on in that community was the proposed development of Las Lagunitas. At the time the developer had proposed building an 18-hole golf course. There was going to be large homes that were going to be in the area and they were going to use ground wells to basically support that subdivision. And through a lot of our efforts we were able to work with the developer to get them to not use those wells and to use County water and to use that money to bring water lines into Las Lagunitas. And tonight we hear that many members of the community believe that that was the right thing and the right way to go.

When I came into office in 1995, in many respects it had already been too late in what we saw going on there in La Cienega. There was a lot of illegal subdivisions that were taking place. People were finding loopholes in how to use family transfers to create 2.5-acre lots and what we saw happen is what you see when you drive in: lots of sprawl taking place in that area and lots of straws going into the aquifers. At the time the Commission gave Ms. Guerrerortiz strict instructions when she was the development committee to put a stop to these illegal subdivisions that were taking place. To her credit, she was able to do it, and what it did is it forced more subdivisions to come in under the normal course of the County's Code.

The problem was, however, we didn't have the proper infrastructure to take place for those subdivisions, so they were coming in, continuing to propose individual wells. Mr. Romero and Mr. C de Baca were here continuously saying this is going to hurt our aquifers. They complied with the Code. It was difficult. But what we were able to do is we were able to make sure that on all these subdivisions that people agreed that if County water came

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within a certain amount of their property that they would be required to hook up to the County water.

Well, here we are this far into the future, into today's present time and we still have the same members of the community coming before the Commission and saying these straws are going to affect our aquifers. They're going to hurt our aquifers. We're seeing this happen over and over. It seems to me, Mr. Chair, members of the Commission, it would be great if the County could in some way be able to see how to take imported water or County water up to this property and through that make an investment in infrastructure so that we can get all these subdivisions that were approved during the end of the nineties who agreed to hook up to County water to cap their wells and to hook up to water so that we can continue to see, or hopefully begin to see the refurbishment of those aquifers.

I don't think that anyone believes that denying the subdivision tonight is going to preserve the aquifers over there in La Cienega. It may help just a little bit. Who knows? But what they really – I think what I heard was they needed to cap a lot of wells there in La Cienega so that they wouldn't further see the diminishment of their water resources. To Mr. C de Baca's credit, one of the last things we worked on was that people along C de Baca Lane agreed to cap their wells. People within the community who weren't subject to this were going to cap their wells if the County brought County water into their area. I think the community has demonstrated over and over that they wanted to preserve their water. They got involved in the planning process. They helped develop it. One of the things that I watched during that planning process was Mr. Gonzales' family and Mr. Thompson's family, Mr. Gonzales and his family, what a great credit to an individual who as even through his heirs has instilled the importance of preserving their property.

Quite honestly, we never got that from Mr. Thompson so we were always watching to see what was going to happen with this large tract of land. And all we could do was hope that during the planning process that somehow that was going to be taken into account. So now you have from what I believe is basically a subdivision that complies with the County Code, which to me says it complies with the County plan that was adopted. It's complied with – one of the things that we also tried to do to protect the La Cienega area was not only in the area trying to bring in infrastructure and water, but to be able to preserve some of the corridors by adopting the Gateway Ordinance, which addressed design standards as you were coming into the Santa Fe area. And of course, least but not least we did pass the open space program.

So clearly there are ways and tools and benefits that this Commission has to be able to address some of the things that the people of La Cienega tonight have said, not only to you tonight, but they've been saying it for the last – since Commissioner Grill's time and before, the help that they need.

So my hope is that somehow we can renew the commitment that we had made to take infrastructure into that area, cap the wells, help them replenish some of the aquifers in the area. Tonight you have a family that's before you that I think has followed the process and hopefully this Commission will through its authority be able to represent to this application that if you follow the process you're going to be supported. Thank you, Mr. Chair. I

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appreciate it.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A question for Mr. Gonzales.

CHAIRMAN CAMPOS: The public hearing is now – do you want to continue the public hearing?

COMMISSIONER SULLIVAN: Just a question for Mr. Gonzalez.

Commissioner, given your long background with the run-up to this project, I'm wondering that if we don't have a Catch-22 here. Your testimony is that we should solve the water problem by providing County water to this project, and the applicant has requested that and the neighbors objected to that and the Commission turned down I believe twice the request to extend the service area of the County water system to encompass this property.

If County water were to be provided then there would not be an issue with the State Engineer of wells and impairment in the other properties, and the 900 acres that's remaining could be developed theoretically to the same density as we see here, as low as .3-acre lots. Now, that, I would think would certainly be against what the community wants in terms of rural character. So how would you – I'm a little concerned that you feel the answer is bringing water in. How would you address that concern of balancing those two issues?

MR. GONZALES: Mr. Chair, tonight you have a plan in front of you that I believe, from what I've been told by the developers, asks for 170 lots – 174 lots. You have the prerogative as the Commission. One thing that you have done really well is you've made sure that water does not drive what density is going to be. You've used it as a means to assure health and safety of communities and to preserve the water in the area. You've used your zoning powers to minimize the amount of density that's going to go forward. So very easily, tonight or into the future, if there is imported water taken in there the Commission, as they do in other areas, can clearly say this is going to be the maximum density, period. And the spirit of the La Cienega plan, and in fact what was in the plan was to preserve a rural way of life.

We've had several plans that were going on during that time period and what we learned consistently, part of a rural way of life, when you look at everywhere from Santa Cruz to La Cienega is that people lived along major roadways. Their homes were next to each other, and then they had their agriculture lands behind them. And one of the things that our planners told us continuously, that clustering is an important way to preserve open lands. I would think that in this particular one, the applicant has requested 174 lots, that seems to me that it's in your prerogative to keep them at that density or not. And that's the way you would be able to control it so it's just not let loose and unlimited water could come in and unlimited density could come in because clearly, that's not what this community wants. I don't think it's what this Commission wants.

It clearly wasn't my intent when I supported the community planning process out there. So I would encourage the Commission to use your zoning authority and your zoning powers to regulate and minimize how much density could go out there if in fact you took imported water. And I think that's a classic example in La Cieneguita. I'm not sure what the

minimum density is over there but they clearly could if they wanted to potentially come in and ask for smaller densities, ask for guesthouses to go in. Ask to have more lots created. But clearly the Commission would say no. It doesn't meet the spirit. It doesn't meet the intent. Even if you have the water, we're not going to allow for that kind of density. And I think the same could be said here.

COMMISSIONER SULLIVAN: Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: It seems to me we're ready to close the public hearing with the exception of the testimony of Tina Boradiansky who did file a lawsuit a couple of days ago against the County. I think the court ordered that she be allowed to submit some testimony. Is that right, Mr. Ross?

MR. ROSS: Mr. Chair, I think what the court intended was that we keep the record open in case she wants to supplement the record with comments that she might direct to this application.

CHAIRMAN CAMPOS: Okay. So to that extent the public hearing is still open. So at this point, it's 8:00. I think there have been a lot of questions raised by the community. I think we should – I would suggest maybe tabling this to the next meeting. Any discussion?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER VIGIL: Is that what your understanding of the court order was? To allow for the tabling? Would that satisfy the request of the judge?

MR. ROSS: I'm just looking for that order. Hold on a second.

COMMISSIONER VIGIL: Okay, while he's looking for that, Mr. Chair, I just wanted to respond to Mr. Gonzales. Javier and the remainder of the La Cienega community who may or may not have been here earlier, that we did take action earlier this evening to provide 1300 feet of 8" water line north on County Road 54-B, so a lot of the vision that you addressed, Javier, it's taken a while; we're still working towards. So hopefully that will assist in the future for – this is for potable water delivery. Do you have a response?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I would just to say we've got a few heavy hitters in the audience. We have our past Commissioner Linda Grill. We have our past Commissioner Javier Gonzales, and we have our former Mayor of Santa Fe, George Gonzales is here.

COMMISSIONER VIGIL: And also past Commissioner.

COMMISSIONER ANAYA: And also past.

COMMISSIONER VIGIL: Do you have an answer?

MR. ROSS: Mr. Chair, Commissioner Vigil, of course the purpose of this morning's hearing was to address the claim that the plaintiff's disability would preclude here from meaningfully participating in this hearing, and of course she's not here. So some of the things that were identified as remedies which, Mr. Chair, you and I have been discussing in

connection with that specific issue included limiting the time, the length of the hearing, which because she's not here we've continued to almost three hours, and we fully expected that the case would be continued, because she would participate and then at the next hearing it would have additional participation by her and it would be limited in scope, and particularly limited to the amount of time when we would have the hearing at night, which was the specific complaint.

So it's hard really to know how to view what the court said today because she's not here participating. But one of the things that the court observed was that we – you and I – had identified remedies for addressing her particular situation, including making a record of this hearing, which we do routinely, and providing that to her so that she could review it at her convenience in preparation for a subsequent hearing. That's number one.

Two, allowing her to make written submissions, which is what I was talking about a little bit earlier. And three, allowing her to submit questions through a representative acting on her behalf. She's not here so I'm not sure how that applies at this point. And four, reconvening the hearing at a later date to elicit further public comment and/or cross examination if the proceedings become unduly lengthy or burdensome.

So my suggestion would be to provide her the transcript of tonight's hearing and allow her to comment prior to you making any decision. So we make sure that what the court intended, given what she knew this morning, what you and I assumed would be the situation, can take place. Therefore schedule this for the next land use meeting for either – open the record at that point for additional comments on her part, or don't reopen the record if she provides nothing and just make a decision at that time.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: If we did that, and perhaps reopened the hearing on a limited basis, then I think it might be a good idea to allow the applicant a rebuttal time so that the hearing record is complete, and then that record can be made available and that record can be made available and then it's your discretion. She can be given an opportunity to further testify before we make a decision but we wouldn't necessarily have to open up the entire hearing all over again. It's just a thought. Would that work, Mr. Ross?

MR. ROSS: That makes sense, Commissioner Sullivan.

COMMISSIONER SULLIVAN: So I think – I know it's late but we've done later and probably we should, since we have everybody here we should complete the record and get the rebuttal and then I would support a tabling motion.

CHAIRMAN CAMPOS: Okay. Ms. Vazquez, rebuttal, how long do you think that would take?

MS. VAZQUEZ: Mr. Chair, I've got about five minutes. We've got a couple TIA answers that will take about two, and then we've got our hydrologist here to discuss some of the questions on the impact to the acequias. I'm thinking about 20 minutes.

CHAIRMAN CAMPOS: Okay. By 8:35, then let's wrap it up.

MS. VAZQUEZ: Quickly, I just want to say, Mr. Chair, Commissioners, there are a lot of people in the audience that are here who came to support this project and in the interests of time they decided not to get up to speak, but I would request that they be able to stand up and show their support by standing up on this project, if that would be okay with you.

CHAIRMAN CAMPOS: Sure. All those who came that are in favor of this project please stand up. [Thirteen people in the audience stood.]

MS. VAZQUEZ: Thank you, Mr. Chair. I want to clarify a couple points. First, I believe it was Mr. J.J. Gonzales who was talking about the water budget. I want to put into the record some of the facts with regard to the water budget. The homes that were analyzed for purposes of figuring out what the average water use was in the county was all of the homes that were on the County utility, which included Las Lagunitas. It included the northwest quadrant and it included the entire Community College District, not just Rancho Viejo.

The average water use on the entire County utility for 2005 was a .16 acre-feet. For 2006, a .174 acre-feet, and for 2007, the average use for water in the entire county on the system was a .157. Las Lagunitas in particular averaged a .18. He's correct that the restrictive covenant is a .25, but the average use in that area was a .18. Our water budget does include line loss. It does include water for outdoor irrigation as well, and that's taken into consideration with the number that we've got. And lastly, it has been reviewed by the County utility and the hydrologist and has been approved for those numbers.

I want to answer some of the questions raised by Ms. Grill. Yes, the trails are open to La Cienega community. They are public trails, and that was the reason why we clustered and put the open space together was for the protection of it and use by everybody. The land that we discussed was a dedication of land to the fire department. We had not discussed construction of that land. I will point out, however, that this development will bring impact fees, and those impact fees that are generated as a result of this subdivision have to be used in this fire district. So that money will be limited to this fire district.

With regards to the issues raised by the acequia, the La Capilla Acequia, the purchase agreement that was done by Santa Fe Canyon Ranch for those water rights was done in 2005. In 2005 there were no bylaws that were submitted that were signed that were in record at the Office of the State Engineer. And that was the reason why this purchase went forward. The bylaws that are being referred to – I believe it was Mr. Dickens, are bylaws that were recorded and signed in July of 2008, just a month and a half ago.

The OSE license: The OSE license is a right to use that water, and it is a recognition from the Office of the State Engineer that that water has been used. And there is 29.1 acre-feet that the OSE determined had been used and that was why the license was given to Santa Fe Canyon Ranch. That 29.1 acre-feet is currently being pumped. It's currently being used onsite, and it's a point that everyone keeps missing that it's not going to be used in the future; it's currently being used and the impacts of – whether or not there are any impacts are being

evaluated now and there are not significant impacts. I'm going to have Mr. Lazarus discuss those issues.

Lastly, Commission, Mr. Dickens said, Well, we have the vision for La Cienega. Our vision for La Cienega is rural character. The Code and the ordinance, Commissioners, does not limit density transfers for traditional communities. It does not limit – it does not define rural character the way La Cienega is now. It defines density transfers to be used for, and it says, quote, protecting community assets including but not limited to wetlands, open spaces, springs, watercourses, riparian areas, agricultural land, acequias. It includes traditional community centers, archaeological sites, historical and cultural sites. It includes everything. It was not limited to the traditional community. It was not limited by the vision that Mr. Dickens had. It applies to the entire planning area and this piece of property was located within the entire – it was in the planning area.

The vision of La Cienega, according to this plan, is density transfers, is protection of open space, is community water systems, is – and that is what defines maintaining the rural character. And this development, Commissioners, has been found to meet Code by County staff and we've done everything that we can to meet every intent of this plan, and we believe we meet Code. And with that, I will go ahead and allow Mr. Lazarus to get up and answer some questions with regard to the acequias, the impact on the acequias, and then we've got a couple points on the traffic impact analysis that were raised by Ms. Murphy.

COMMISSIONER VIGIL: Mr. Chair and Ms. Vazquez, I have a real quick question as I look forward towards seeing what this development will mean to the community, sort of visualizing what you're proposing here and I think one of the things that has come to mind that I know you and your clients have been before us. Initially for a water service delivery agreement and at the time when we took action on that what was really apparent to me was the density was humongous at that time. It seems to me that there's been some conservations and there's been some negotiations and we're at the place we are now.

But the issue of water is really critical to this community, and I know that we'll be hearing a little bit more about the acequia impact and the aquifer impact hopefully. But one of the things that I would like for you to discuss with your client and seriously consider is whether or not a condition of approval of hooking up to the County water utility system, if in fact this project does go forward would be a part of that, to include the current density proposal. It's seeming to me that what we're being advised to do tonight is to take in as much testimony as possible, allow Ms. Boradiansky to respond to the hearing as such and then take full action at a future date. I hope, Mr. Chair, that we do decide to do this at a future date when the entire Commission is here. So if that's the direction we're moving I would request that.

But if there's going to be limited testimony at our next hearing, I'd like to hear what might be proposed.

CHAIRMAN CAMPOS: We're trying to wrap this hearing up and they've got about 20 minutes, and let's try to do that.

COMMISSIONER VIGIL: Could I [inaudible]

MS. VAZQUEZ: Yes, you can. And just for purposes of clarification, Mr. Chair and Commissioner Vigil, there is a condition already on this development that we would tie into the County utility system if it came within – I believe it's 200 feet of the development already. And so that is a condition that is required of this master plan at this point.

I'm sorry. I've got one other point. With regards to the archaeological. Mr. Bladh was correct that the recommendation was to redesign if the development did affect archaeological studies. The date of the archaeological report was done prior to the submission of the master plan in 2005, and so we did redesign. And one of the purposes of the redesign, one of the purposes of course was to protect the archaeological sites. And so we have complied with the recommendations that were set forth in our archaeological report. That can be found on page 52 of the report.

[Duly sworn, Jay Lazarus testified as follows:]

JAY LAZARUS: Mr. Chair, Commission, my name's Jay Lazarus, Glorieta Geoscience, 1723 Second Street, Santa Fe, New Mexico. I'd like to address only those water-related issues that were addressed by the people protesting the project. I'll try and keep my comments brief and limit them to what's in the public record and not discuss our water rights case.

First of all, the geohydrology report that we prepared was approved by the County Hydrologist, which states there's sufficient water for Phase I, and that Phase II will be based on the return-flow credits granted by the State Engineer. So for the return flow credits that we're applying for bring us to a total diversion of approximately 32.33 acre-feet. If we don't achieve what the State Engineer wants us to with the return-flow credits, and let's say we only prove up 28 acre-feet, that's 4.3 acre feet that the developers won't get and that's approximately 20 less houses.

There were some comments earlier about the history of the water rights on the former Thompson Ranch. In the pre-hearing conference on the water rights, the State Engineer hearing officer specifically stated that there will not be any comments or any acknowledgement of any attempts to go behind the license or go after the license. The State Engineer is standing behind the license and will not be accepting any testimony challenging the license.

The third thing, and former Commissioner Javier Gonzales alluded to this, in one of the exhibits of the water rights hearing submitted by the Guicu Ditch, specifically states that spring flows into Cienega area are declining because of the proliferation of domestic wells along I-25 and the frontage road near the racetrack, and working themselves down towards Cienega and Guicu. The continued development there has been taking water directly from the recharge area above the springs and diminishing those springs and the Guicu Ditch put this in evidence in the water rights hearing.

Regarding the Acequia de la Cienega, both the groundwater models prepared by my company and by the State Engineer show zero impacts on the Acequia de la Cienega. I don't enjoy the State Engineer being so close or agreeing with us this often, but they're showing



that there are zero impacts on the Acequia de la Cienega, plus the Acequia de la Cienega has a supplemental well that even if there were impacts on there, the ditch could provide sufficient water to take care of their irrigation needs.

There were comments about depletions on the Guicu Ditch. The depletions that we're discussing on the Guicu Ditch with the State Engineer right now max out at .3 acre-foot. Okay? It's a very small amount of water. It's within the error of margin [sic] in groundwater models. These are very small depletions. Additionally, in deposition, members of the Guicu Ditch have testified that they have a supplemental well with the same priority date as their surface water and their source spring, and that supplemental well is capable of pumping more than 100 percent of the supply that the Guicu Ditch needs to supply all the water to their parciantes.

There were some comments by the gentleman from the Capilla Ditch. The Capilla Ditch is not a protestant, did not file a protest against this water rights transfer at the State Engineer, and once again, both the State Engineer model and our model show no impacts to the Acequia de la Capilla.

And lastly, I want to make this very clear and very direct. Even if this subdivision is not approved, Santa Fe Canyon Ranch has the license to divert 29.1 acre-feet, consume 14.55 acre-feet, and we're still going to be pumping that same amount of water. So whether it's going to be for subdivision purposes or for continued irrigation purposes, the consumptive use will remain at 14.55 acre-feet, and the only – the license allows us and recognizes our existing pumping impacts on the ditches in the area and the ranch will continue to pump that same amount of water under their license and there will be effectively no change in the depletions, other than maybe a couple tenths of an acre-foot between what we're pumping now and our new pumping configuration. And I'll be willing to take any questions.

CHAIRMAN CAMPOS: Questions? Thank you, Mr. Lazarus. Okay, you've got about five minutes, six minutes.

MS. GUERRERORTIZ: Less than that. On the TIA issues, again a TIA was prepared in accordance with the ITE, AASHTO and New Mexico DOT standards. Traffic counts are required to be done Tuesday, Wednesday or Thursdays. There is at full build-out a difference between no-build and build of four seconds at one intersection. That was there was a C. I did find it. It is buried in there, and that's the difference. It's four seconds if we don't build the project versus building it, four-second delay on one intersection and one direction. Thank you.

Oh, and one other thing. We have a letter in your packet I believe from the New Mexico DOT approving our traffic impact analysis.

CHAIRMAN CAMPOS: Ms. Guerrerortiz, does that complete your rebuttal presentation?

MS. GUERRERORTIZ: It does, except Rosanna is going to say one more statement.

MS. VAZQUEZ: I'm not going to say anything more, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Okay. This meeting, unless there's anything further

from the staff –

COMMISSIONER SULLIVAN: Move to table, Mr. Chair. What – Mr. Ross, would it be appropriate to table this to our administrative meeting at the end of the month? I'm thinking because of the request from this individual that they be able to provide testifying during the daylight hours as opposed to at night?

MR. ROSS: Mr. Chair, Commissioner Sullivan, we certainly could do that to accommodate her. That meeting is on the 30<sup>th</sup> of September.

COMMISSIONER SULLIVAN: Thirtieth.

MR. ROSS: At 10:00.

COMMISSIONER SULLIVAN: I guess that would depend if our recorder could get the minutes done at least a week or so in advance for that. So if that's appropriate I'd move to table to the meeting of September 30, 2008.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

**The motion to table passed by 4-1 voice vote with Commissioner Montoya casting the nay vote.**

COMMISSIONER MONTOKA: Mr. Chair, the reason being I am not going to be here on September 30<sup>th</sup>, nor will I be here for the next meeting in October either.

CHAIRMAN CAMPOS: Okay. Thank you very much.

[Commissioner Montoya joined the proceedings by telephone.]

**XIII. D. Growth Management Department**

1. **LCDRC CASE # MP 06-5212 Santa Fe Canyon Ranch Rosanna Vasquez, Agent for Santa Fe Canyon Ranch, LLC (David Schutz, Jim Borrego). Applicant is Requesting Master Plan Approval for a Residential Subdivision Consisting of 162 Lots with 174 Residential Units on 1,316 Acres to Be Developed in the Three Phases, and a Request for Several Culs-de-Sac to Exceed 500 Feet in Length. The Property Is Located Off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3) Joe Catanach, Case Manager (VOTE ONLY)**

CHAIRMAN CAMPOS: Mr. Abeyta, who's going to lead for the County?

MR. ABEYTA: Mr. Chair, the Land Use staff will take the lead. The case manager is Joe Catanach.

CHAIRMAN CAMPOS: This is a continuation of the last hearing. Is that correct?

MR. ABEYTA: Mr. Chair, yes. But it's my understanding the public hearing has been closed and therefore unless you have questions for staff there was going to be a vote taken.

CHAIRMAN CAMPOS: Okay. Mr. Catanach.

JOE CATANACH (Technical Director): Mr. Chair, I was just going to state that it was tabled. There was discussion from Steve Ross about an issue that occurred that day regarding public comment that Tina Boradiansky had requested, and so I think there was some consideration to table this and allow Tina Boradiansky to review the minutes of the September BCC meeting.

CHAIRMAN CAMPOS: Okay. So that's the status presently?

MR. CATANACH: Yes, sir.

CHAIRMAN CAMPOS: So is Ms. Boradiansky present? Please come forward. Please state your name and address for the record.

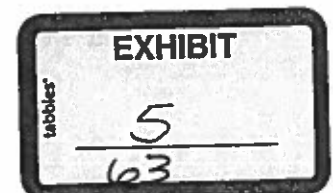
TINA BORADIANSKY: Mr. Chair, Commissioners, Tina Boradiansky.

CHAIRMAN CAMPOS: Your address? Hold on a second. Are we going to have Commissioner Montoya on the telephone?

COMMISSIONER MONTOYA: Hello, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya, how are you?

COMMISSIONER MONTOYA: Good. How are you doing?



CHAIRMAN CAMPOS: And where are you?

COMMISSIONER MONTOYA: In Rome.

CHAIRMAN CAMPOS: Good. In Rome. Good for you. Can you hear us?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay. Ms. Boradiansky is now going to speak on the Santa Fe Canyon Ranch. Are you at that place, Commissioner Montoya? You're there?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay. Ms. Boradiansky.

MS. BORADIANSKY: Mr. Chair, I have copies that might make this a little bit simpler. [Exhibit 3] May I approach?

CHAIRMAN CAMPOS: Sure. Ms. Boradiansky, it looks like you have a lengthy statement.

MS. BORADIANSKY: It is not lengthy, your honor. I'll be quick.

CHAIRMAN CAMPOS: Your honor?

MS. BORADIANSKY: Sorry. Old reflexes. Mr. Chair, Commissioners, I believe it's in everyone's interest in this matter, Santa Fe Canyon Ranch, that the procedure be in full compliance with state and federal law. And as you're aware, I have some concerns and I have filed in federal court to preserve those concerns. I'll be very quick, but I believe there's three legal and one public policy reason why the master plan currently before this Commission either must be denied as incomplete, or tabled until it's properly submitted. Otherwise it will not withstand a judicial review.

CHAIRMAN CAMPOS: Let me ask you a question. You were not here at the last meeting?

MS. BORADIANSKY: Excuse me.

CHAIRMAN CAMPOS: You were not present at the last meeting?

MS. BORADIANSKY: I informed the federal judge that I would not be available in the evening.

CHAIRMAN CAMPOS: Did you inform us?

MS. BORADIANSKY: Your counsel was present at the [inaudible] Hearing.

CHAIRMAN CAMPOS: Okay. Did you have an opportunity to review the minutes that were presented to you and preserved for you?

MS. BORADIANSKY: I received a transcript but no exhibits were attached and I consider the transcript to be incomplete.

CHAIRMAN CAMPOS: Okay.

MS. BORADIANSKY: Not because of exhibits but because witnesses were not offered for any of the expert reports and conclusions.

Mr. Chair, the critical distinction I'm making is that this is an adjudication, an administrative adjudication. The Commissioners own rules of evidence and order entitle me as one of the property owners immediately adjacent to cross-examine the applicant and their witnesses. This is a fundamental due process right and I have protected my right to exercise that. I filed a request for ADA accommodation on August 8<sup>th</sup> asking for daytime

participation. The County has failed to engage in any substantive process of negotiation to either identify the parameters of medical ability or to discuss options of how to proceed. Instead it was scheduled for the agenda without any progress that week.

And basically the process has been trying to force me into simply accepting an offer of accommodation that was factually incorrect. I was told that the hearing would constitute two hours total including cross examine, which we all know to be inaccurate since the review stage was four hours without any cross-examine.

The right to cross-examine inherently includes certain rights. It includes, first of all, knowledge of who the witnesses are going to be so I can prepare. Second, it includes the presence of those witnesses or they cannot be cross-examined. If the witnesses at the adjudication are not there to defend their substantive reports and conclusions, it's impossible for this Commission to give that any evidentiary value.

CHAIRMAN CAMPOS: Would you repeat that?

MS. BORADIANSKY: If the applicant has chosen to not present an offer of witnesses, the authors of all of their substantive reports that are part of this master plan and make them available for cross examine, those reports have no evidentiary value in an adjudication, because I have a right to cross-examine. The witnesses are not being offered. So the transcript is completely incomplete in the sense that the substantive portions of the master plan are being submitted without an opportunity to test the methodology, the assumptions, the bias, the qualifications.

As an adjudication, that's completely improper. And if this goes forward to a decision making based on reports where no authors are being offered by the applicant, I believe that judicial review will find that it's arbitrary and capricious. I did ask for a witness list and I was told by the County Attorney that there was no need to provide me with a witness list.

The BCC I understand was trying to figure out how to accommodate my request, but I believe there's a very serious confusion going on between rule-making and adjudication. The Commission does both functions. Rule-making is coming up with regulations, policies, proposals. Written comment would be appropriate if you were publishing something for comment, like *Federal Register*. Written comment is completely appropriate. It is completely inappropriate to my formal request for cross exam. Cross-exam is a call and response process. It has absolutely nothing to do and is not interchangeable with written comment on a transcript. It is my right to test the facts, the bias, the methodology – everything involved that constitutes hundreds of pages in this master plan.

So the offer of the County was trying to resolve this on short notice and the offer was to comment on a transcript. I would just like to point out that legally we're talking about apples and oranges here. In July I informed the County Attorney that I wanted to cross-examine. He told me it's a public right. It's not because I'm an attorney that I'm allowed to cross exam. Every single person here is entitled to cross exam in a public hearing. But the way that the procedure is playing out, that's getting confused with the rule-making function. So I'd like to back up and see if we can get back on track and begin a sensible conversation about how to make this legally compliant.



I have filed a federal lawsuit as you're aware to protect my rights to accommodation to cross exam at a reasonable hour. At no time has anyone from the County approached me to factually sort out what are the options? I believe there's plenty of options. I also believe that if this goes forward it will not withstand judicial review because the substantive reports that constitute the master plan have not been subject to adjudication scrutiny. It is my right under the rules of order to ask those questions, to find out did the traffic analysis person – what was their methodology? What are their qualifications? What is their bias, possibly? That's inherent in the right to cross exam.

The applicant chose to not bring forward any of those people for public scrutiny, and I believe as a matter of law in an adjudicatory process it means there is essentially no evidentiary value to all of the reports that constitute the master plan and a judge would very likely consider any approval arbitrary and capricious, because there's no factual basis that's been tested. So that's the first reason I believe it must be denied or tabled. Therefore, it is an incomplete submission. It was their choice to not bring forward those people and there is no opportunity to exercise the cross exam.

Second, there is a legal violation – violation is not the right word. Secondly, this application is flawed in the sense that it is taking the position that the La Cienega – what they're calling code, the La Cienega Ordinance, which is our community plan, that it's in compliance with this master plan. And I believe it is the opinion of the staff that it's in compliance. As an attorney I'd like to say that I believe that is in error and I'd like to explain why.

Recently Supreme Court Justice Ruth Ginsberg was speaking in Santa Fe. Apparently she's here for the summer because of the opera. And she reiterated how important it is when you're interpreting a law to look to the intent of that law, not just the language. She said over and over, things are not perfectly written. They're not perfectly articulated. You determine legislative intent; you determine the intent of the authors. And then you reconcile that with the provisions of that law. The La Cienega Community Plan was written by residents; it was not written by attorneys. It was a good-faith effort to achieve a certain type of continuance for a rural lifestyle in a historical community that is agricultural.

Everyone's aware of that. The Commission approved the community plan and it has the weight of ordinance. As such, it's entitled to statutory construction principles. And the La Cienega Community Plan clearly states it is the intention of that plan to preserve and protect a rural, low-density lifestyle. The applicant is taking out of context the provision regarding density transfers and claiming that they're complying with that plan because the language out of context appears to justify density transfers. That cannot be reconciled legally with the intent of the community plan. It's directly opposite. And I believe J.J. Gonzales testified two weeks ago that it's quite clear that the density transfers the authors put in intended to protect the ability to farm by consolidating housing areas on certain parts of the property so as to not impair agricultural function.

It was definitely the intent, and it completely defeats the spirit of the plan, to claim that these density transfers allow high-density, urban housing that does down to a third of an

acre stacked right adjacent to a low-density community. Because this applicant's refusing to legally limit their number of houses basically lower La Cienega probably has – I don't know, 40 to 50 houses. We're looking at 600 houses adjacent to us, which is a small city. So our community plan – I believe Supreme Court Justice Ginzberg said it very well. She said you look to the intent and the purpose of the law. Our plan holds the weight of ordinance and it's entitled to statutory construction. So any tortured definition taking that out of context will be subject to judicial review.

Third, we have another legal problem in the case at this time. It's also premature to vote on this submission without allowing the completion of the La Cienega Development Review Committee vote of July 2<sup>nd</sup> which was not finalized. It was not finalized due to the fact that yet again another lengthy evening four-hour hearing was going on and Santa Fe County Attorney David Stephens apparently left the meeting before the vote was finalized. That left the committee without the legal guidance how to finalize the vote properly. As a result, the vote was 2-3 against approval of this master plan, but it was never procedurally perfected by a subsequent motion to deny.

The committee chairman erroneously believed that the 2-3 vote established the recommendation to deny. It's my understanding that five different people, both committee members and the president of the La Cienega Valley Association has contacted the County to try to ask for assistance to remedy this mistake. Once it became obvious that the absence of the County Attorney at the time of the vote resulted in this limbo various communications were received by different county members. Those include Carl Dickens, Camille Bustamante, Eugene Bostwick and Chairperson Ivan Trujillo, all asking the County for guidance how to complete the vote that was not properly perfected because David Stephens left early.

It's my understanding the County failed to respond to any of those requests and weeks have gone by and this record now fails to show that the review process resulted in a recommendation to you that it be denied. As a resident that's an adjacent property owner whose property will be devastated by this development, my interests will be totally adversely affected if that denial is not in place and I will assert legally the fact that the County created a problem, failed to clean it up, and we ask that we back up and be allowed to complete that vote so your record is accurate.

I believe you received a letter from Mr. Trujillo clarifying that he believed he had gotten it to a proper denial. Procedurally, it was imperfect. That's obvious. Over and over there have been requests to fix it and no response. This is a critical process and many, many people put a lot of time into that review process and it's absolutely unacceptable that it be no recommendation. Because that was not what happened. It was simply not a perfected vote because Mr. Stephens left early. So again, I'd say that it's premature to vote at this time. Either it has to be tabled or denied. If it's approved without that denial, which the community is entitled to, again, we're going to have to clean it up in a lengthy legal procedure which I don't think is anybody's interest. I think it's in everyone's interest that this be done in compliance with state and federal law, and that you have a solid basis before you to vote.

So what you have right now is you have reports that no one has been offered as witnesses for exam. You have a community plan that has the weight of ordinance that is inconsistent with the staff recommendation that's in compliance. And then you have this imperfected vote.

The fourth issue is one of more public policy. This is a massive development proposal which is unusual and should not be treated as some of the smaller projects. There's endangered species on this property. There has been no analysis of what to do about that, how to protect them. The master plan says, well, federal Fish and Wildlife have not written back to us. Well, that's not enough in a property that is one of the last strongholds in New Mexico of wildlife. There's a federally protected wetlands. There's no mention in the master plan what that means. It has been inspected by the Army Corps of Engineers and clarified to be within federal protection. I don't see anything in the master plan acknowledging what the endangered species are entitled to, what the impact will be of noise, light, traffic. All of this will be devastating.

I do believe it's within the authority of this Commission to require a full study of noise and light. We live in an area in the lower valley where you can hear a radio half a mile away. If you put 600 houses a few feet away it's going to destroy our property values. It will destroy our quality of life. It will destroy the lower valley as we know it. And even though the Code may not currently require that I believe it's within the authority of this Commission to recognize that 600 houses next to 40 houses in an agricultural valley presents a problem, a serious problem. The current siting of this places it 30 yards from my fence line. I'd like to hear about the public health issues of flies and manure from the rural neighbors, like myself. We all have a right to have livestock.

How will the Public Health Department consider flies and manure 30 yards from high-density urban housing that's on my property. I have a legal right to have livestock. Nobody's contesting that. They have not even considered the impact on their property value not having a buffer zone. So the siting is disastrous. They've stacked it right behind the community for maximum damage. And it's possible, frankly, that there may be a little retaliatory element to this. I was the person who early on went to State Engineer because I had worked there. Read the file, found a mistake, and their consumptive water rights were reduced from 20 to 14. They have now placed most of – a great deal of the high-density urban housing 30 yards from my fence line. I don't know if it's retaliatory, but they have 1300 acres and the noise and light of this high-density housing will destroy the lower valley.

And I'm asking you to order an analysis of that. It's within your authority to recognize that 600 houses is an unusual impact. And in terms of protecting the community we'd like someone with expertise to look at the noise impact, to work with them to try to figure out how to site this project further south, which would minimize. If they moved this same proposal for Phase I to the southern portion of their property they would solve and minimize light, traffic and noise. If they used the overpass that they're lucky enough to own for traffic, they will remove the community opposition to the traffic problem. They have all kinds of opportunities and they are not using them. They have basically gone through the motions of

acting like they're listening to us and then made contrary decisions.

So I'm asking you today to either table or deny this, because going forward on something this incomplete, and this flawed, will only result in a very long review process. The problems are obvious, and I think it's in everyone's interest to back up and do it right. And I'd like to work with you to do that. I think we can do it right. I think it's pretty clear what state and federal law require in terms of supporting a master plan, in terms of being able to cross exam, get the facts on the table, and we're entitled to that, because this will destroy our community.

There's one additional issue, which I believe J.J. Gonzales is the most qualified to speak to. The State Engineer has reached a tentative settlement regarding the return-flow credits, which also has a number of years built into data collecting and I would ask also that you allow him to explain to you what that process was and the impact so you can consider that.

CHAIRMAN CAMPOS: Mr. Gonzales, very briefly.

MS. BORADIANSKY: Mr. Chair, finally, to just clean up my own procedural issues with the Commission, I would like to back up and get back to substance and figure out a sensible option for participation. I've been willing to do that since August. I'm available to do that, and it's just too important not to.

CHAIRMAN CAMPOS: Thank you very much. Mr. Gonzales.

J. J. GONZALES: Thank you, Mr. Chair, fellow Commissioners. My name is J.J. Gonzales, 54 Entrada La Cienega. And as you know, there was an application pending before the State Engineer and that hearing took place September 23<sup>rd</sup>, 24<sup>th</sup>, and 25<sup>th</sup>. I just have the highlights of what was discussed.

Number one, there was a proposed settlement agreement reached by the protesting parties and the applicant, Santa Fe Canyon Ranch. There was conditions of approval submitted by the State Engineer for a partial approval of their permit. The hearing itself was left open pending a return-flow credit plan. And some of the conditions were that the pumping would be limited to 14.55 acre-feet. Once they start using water for domestic use they cannot use water for their agricultural use, so their water drops to 14.55 acre-feet. Any other pumping, like what they wanted was 32 acre-feet, that is contingent on the return-flow credit plan. And that was delayed for approximately three years.

They have conditions to meet. First of all is they have to be able to demonstrate that they can use two acre-feet of water per year in their treatment plant. That is -- and have to demonstrate that amount of water for a period of one year. So they have to have a certain number of houses to use that amount of water. And then they can submit their application for a return-flow credit plan. So the minimum time for that is three years from the date the document was signed on last Thursday. The protest will be started when they reach that amount, when they do an application for return-flow credit, then all parties are allowed to comment on that. There will be a published application and then published flier file protest and then the State Engineer will have a hearing on the return-flow credit plan.

The other important thing is that east of Alamo Creek, which is the water source that

they describe towards the center of the ranch, they cannot drill any more wells east of Alamo Creek. They have one proposed well which will be limited to .5 acre-feet. So that's one-half acre-foot east of Alamo Canyon, and that was a well that the State Engineer felt that would impair the springs in La Cienega. So they're limited to one well and no other wells east of Alamo Creek.

The other thing is even with – if their return-flow credit plan is not approved that means that the Phase II and Phase III can be considered. The original application for 14.55 acre-feet doesn't allow for any water for reserve, like fire protection. They don't have water for outdoor landscaping that presently exists on the property. And I believe those are the major points in this agreement that was signed last week. Thank you very much.

CHAIRMAN CAMPOS: Thank you, Mr. Gonzales. Ms. Vazquez, as attorney for the applicant, you're up. And what issues do you intend to address?

ROSANNA VAZQUEZ: Mr. Chair, Commissioners, I want to address a couple of the comments made by Ms. Boradiansky, and clarify a couple of issues on the stipulated order that's been submitted to the Office of the State Engineer.

CHAIRMAN CAMPOS: It's 11:30 so let's be brief.

MS. VAZQUEZ: Commissioner Campos, I would ask on the stipulated order that you – that our hydrologist specifically discuss the details that Mr. Gonzales has raised. We do have copies of the stipulated order, however, they are not signed by the judge yet, but it was the order that was agreed to by all the parties. And I would ask you to give him five minutes to get that into the record.

CHAIRMAN CAMPOS: I'd like to address the legal issues. You don't want to address any of the procedural issues?

MS. VAZQUEZ: No, your honor. Those are the issues raised by Ms. Boradiansky.

CHAIRMAN CAMPOS: Does the Commission wish to hear the testimony for the hydrologist for the applicant?

COMMISSIONER ANAYA: Mr. Chair, a question. Are you going to allow any other people to speak?

CHAIRMAN CAMPOS: I don't think so.

COMMISSIONER ANAYA: Okay. I'd like to hear it.

CHAIRMAN CAMPOS: Okay, is there any objection to having the hydrologist for the applicant speak? He can – he'll be able to address the Commission for a couple minutes.

MS. VAZQUEZ: Thank you, your honor. With respect to a couple of issues, Ms. Boradiansky raised the right to cross-examination. She's right that the rules of order allow that possibility, but she's wrong in a fundamental issue in that she didn't have the right to cross-examine the authors of all of the different reports that were submitted. Mr. Chair, the reports were submitted back in 2006. The TIA was submitted, which is one of the issues of concern, in December of 2007, there were final updates. There was a TIA December of 2006, April of 2007, and the final was done in December of 2007. It has been sitting as public

record for everyone's review since that time in Land Use. The geohydrology report is the same. It was last updated in April of 2007, the report, and it was a two-page update. The entire report was submitted to the County in December of 2006. Same with the environmental, same with the archeological report.

At that point, every person here has the right to submit a letter to Steve or to Land Use saying we have questions with regards to these reports, and judiciously, the staff has always provided those to the applicant for us to review, make comments, answer questions if need be. The other point I do want to make is this is not the first public hearing that we have had on this case. We have had numerous community meetings with questions raised specifically on the TIA, specifically on the geohydro. In fact we made available the geohydrology report on-line and at the La Cienega Community Center for everyone's review, and we sent specifically to Ms. Boradiansky because she asked for it, the geohydrology report.

This case has been going on since 2006, Commissioners. There has been an incredible amount of participation and communication amongst the parties. The statement that there wasn't a time to review and a right to cross-examine is not true, your honor, because she could have at that point raised an issue and said, I want Craig Watts here. I want Craig Watts because I've got specific questions with regards to the TIA. That was not done. We do not – we had no intention of having to bring Craig Watts, of having to bring any of our specialists because we had a recommendation for approval. We had worked out all of the issues with County staff. Every question that was raised with regard to the TIA, we updated pursuant to the County staff's request.

Any questions on the geohydro we updated pursuant to County staff. And every single update was in the record for review. Had there been a question by anybody they could have raised it and we would have made people available as we've done the last three years.

With regards to her issue about the application is flawed. Ms. Boradiansky is correct; there was a La Cienega plan and it was put together by the citizens of that – of La Cienega. If you'll note, the ordinance, which is 2002-9 and the plan, which was adopted via Resolution 2001-117 says exactly the same thing. The language with regards to density transfer that Mr. Gonzales quoted is specifically in the ordinance word by word, and it goes far beyond protecting, using density transfers solely for the protection of agricultural lands. If that had been the intent, Commissioners, then it should have been limited. There should have been limiting language in that ordinance saying density transfers are only for the protection of agricultural lands but it does not say that. The plan specifically says exactly as the ordinance reads, and that is to protect community assets, including but not limited wetlands, open spaces, springs, water courses, riparian areas, agricultural lands, acequias, traditional community centers, archeological sites, historic and cultural sites, and multi-generational family housing compounds. It was not limited to agricultural.

What we've done here is we have clustered the area to keep it away from the sensitive areas such as the Alamo Creek, from the canyon area. As you see, the larger lots are on the end and that's all volcanic land on the eastern side – on the southern side there. The plan is the ordinance and the ordinance is being abided to by this development.



Her third point, that the La Cienega Development Review Committee vote was not final. Mr. Chair, Commissioners, I would submit to you that the La Cienega Development Review Committee is a recommending body only. They have the right or the ability to send up a case without a recommendation, and if you'll recall, there have been several cases that have come up from CDRC or some of the local planning commissions that come up with no recommendation. They can either submit with no recommendation, they can submit with a denial or they can submit a case to you with an affirmative, an approval. This case was voted on for approval and the motion for approval did not go through 2-3. She is correct. And the case came up. Whether it's a denial, whether it's a no-recommendation, it doesn't matter because they are solely a recommending body. And I would like to point out that we had at that point a condition, a recommendation from County staff of approval before the LCDRC.

The public policy arguments, Commissioners, the issue of endangered species is an important issue. We were required as is required under the plan, under the ordinance to do an environmental study. We did. That environmental study did – is going to require us to protect the mountain plover and the willow flycatcher, and to protect the wetlands. And the plans for having to protect that are required to be reviewed by state agencies and will be submitted at preliminary. We're not disregarding this issue. But master plan is conceptual. Master plan is a submittal for review. We cannot go past preliminary unless we meet all of the requirements by state and federal officials with regards to the wetland. In fact, there's a condition of approval on this case that we need to comply with the requirements of both those agencies. So those areas will be protected, Commissioners and it is something that you will be able to look at at preliminary when we come forward to see whether we've met the standards that the federal and the state government would like us to meet on that.

Commissioners, with regards to the decision, the stipulated order by the State Engineer, as I stated to you, we have a stipulated order. There is an agreement in place with all of the parties that were protestants that stayed in the case. It is not signed at this point but it is very specific with regards to what was decided. And I'm going to allow Jay, who was in the negotiations with regards to the stipulated order to give you the fundamentals of that order, and I stand for questions if you have any.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: She mentioned 30 feet. Is that true? Or is it 150 feet that I thought I was told? The setback.

MS. VAZQUEZ: Mr. Chair, she mentioned 30 yards and we've presented as evidence and we submitted as part of the record and I can give this back to you – we have minimum distances from the lot line to the lot line of 120 feet up to 159 feet from the property line. That is from these property lines here to the property line here where the property would meet. And then what we did, and we did this for the community as well and we actually did a site visit so people could walk it. We put together housing envelopes, and you'll see those little pink dots in there? We specifically created housing envelopes in order to push the housing site farther from the property line and increase that setback. We also did

it in order to show how much private open space there would be.

If you look at the housing envelopes, you increase the setback to the property line. And we're not talking to the house, because we're just talking straight to the property line, you increase the density – the setback from 170 feet at the minimal to 315 feet.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

MS. VAZQUEZ: And if I just may clarify the record, there are not 600 homes; there are only 174 homes on this master plan.

CHAIRMAN CAMPOS: But the potential is 600 homes?

MS. VAZQUEZ: No, Commissioner. That number comes from an earlier master plan, and it was an earlier design. We did discuss with the community a development of 605 units. We have reduced that and that's why we've been working on this for three years. The 600 units was opposed to by the community.

CHAIRMAN CAMPOS: What's the number now?

MS. VAZQUEZ: 174.

CHAIRMAN CAMPOS: Total.

MS. VAZQUEZ: Yes.

CHAIRMAN CAMPOS: For the whole development, all phases, including those beyond this one.

MS. VAZQUEZ: 174 units is what's included in phases I through III for this master plan, yes.

CHAIRMAN CAMPOS: And I through III are all the phases you have.

MS. VAZQUEZ: At this time, yes.

CHAIRMAN CAMPOS: Okay. At this time. Okay. Sir. Please state your name and your address?

JAY LAZARUS: Jay Lazarus, Glorieta Geoscience, Inc. 1723 Second Street, Santa Fe, New Mexico. If this is a continuation, I was already sworn in. I would just like to address a few of the issues brought up by Mr. Gonzales. I'm not here to argue; I'm here to clarify.

CHAIRMAN CAMPOS: Very briefly. Just give us the concepts of what the agreement's about.

MR. LAZARUS: Yes, sir. First of all, we have an approved geohydrology report from Santa Fe County for Phase I of 14.55 acre-feet. In terms of the subsequent phases beyond the 14.55 acre-feet, this is subject to State Engineer approval of the return-flow credit plan. We have agreed with four remaining protestants with the Acequia de la Cienega, the Guicu Ditch, La Bajada Community Ditch, Inc. and Eugene and Holly Bostwick. We've agreed with all four protestants that any of the data that we collect for the return-flow plan to be submitted to the State Engineer will be submitted to and shared with all four of these settlement protestants.

We've additionally agreed that we will collect a minimum of 2 ½ years worth of data prior to applying for return-flow credit and that we will not apply for a return-flow credit any sooner than three years, basically, from today. Additionally, to clarify what Mr. Gonzales

stated earlier, we've also agreed that we will not be submitting and data or collecting any data for submission to support the return-flow credit until at least two acre-feet per year are run through the sewage treatment plant, to be able to give us some real, live, real world data on what's coming through and discharging from the plant. And just to clarify what Mr. Gonzales said, when it comes time to apply for the return-flow credit plan, we are not required by the State Engineer to republish this as a legal notice, but the four settlement protestants do have the right to ask for, request a public hearing with the State Engineer Office on the return-flow credit plan, once they've analyzed all the data that we've provided to them also. And I'll answer any questions.

CHAIRMAN CAMPOS: Okay.

MR. LAZARUS: One additional thing is that three of the four protestants waived their right to claiming any impairment due to the 14.55 or 32.33 with return-flow credit, if we agree with the State Engineer and settlement protestants that the return-flow credit data is accurate. The last protestant did not use the word "waive" but they agreed to set aside any issue related to impairment.

CHAIRMAN CAMPOS: Okay. Is that it?

MR. LAZARUS: Yes, sir.

**XIII. C. Matters from the County Attorney**

**5. Executive Session**

**1. Pending and Threatening Litigation**

CHAIRMAN CAMPOS: Okay. Thank you very much. At this point I'm going to ask that we go into executive session where we talk about pending and threatened litigation, and I'll ask for a motion.

COMMISSIONER SULLIVAN: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

**The motion passed to go into closed executive session passed by unanimous [5-0] roll call vote with Commissioners Anaya, Montoya, Sullivan, Vigil and Campos all voting in the affirmative.**

CHAIRMAN CAMPOS: We're in executive session. Mr. Ross, how much time do you think we'll need? It's 15 till 12:00, and we have a major 2:00 hearing.

MR. ROSS: Just half an hour, tops.

CHAIRMAN CAMPOS: Okay, so we'll plan to be back here about 12:15. Thank you very much.

[The Commission met in closed session from 11:45 to 12:10.]

CHAIRMAN CAMPOS: Okay, we're back in session. Is there a motion to come out of executive session where we only discussed pending and threatened litigation.

COMMISSIONER VIGIL: So moved.

CHAIRMAN CAMPOS: Is that your motion? Is there a second?

COMMISSIONER ANAYA: Second.

**The motion passed by unanimous [5-0] voice vote.**

CHAIRMAN CAMPOS: We're out of executive session and we're back at item D. Growth Management Department, Santa Fe Canyon Ranch. Commissioners, is there any action you'd like to take at this point?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I just wanted to say, over the last three years there hasn't really been anything new that I've heard in terms of the opponents from the very beginning of this case, in terms of I've heard about them, the developers refusing to limit the size of the development, that nothing has changed, that there's still concern about culture, preserving the culture and the water rights, and I think we've worked with the developers over the last three years, and what I have – the thing that has changed has been the position that was mentioned by the first witness that there were 600 homes. Well, that's not the case at all. In fact that's changed to I believe 162 lots and 174 homes total, which is a significant change in terms of the original proposal and what's being proposed now.

The other thing, Mr. Chair, is that the one thing that at master plan approval, and it is a conceptual approval and water rights aren't necessarily something that has to be done at the conceptual approval stage, so I think that's something that the developers will still have to work on in terms of providing that for the overall project. So Mr. Chair, I would just – and I guess the other thing that has changed and that is a significant change also is that we have a staff recommendation for approval. That's the first time that we've had that during the time that we've been hearing this case and with that, Mr. Chair, I would move for approval based on staff recommendation on this project, with conditions.

CHAIRMAN CAMPOS: With all conditions?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Is there a second? There's a motion to approve by Commissioner Montoya, with all conditions, and there's a second by Commissioner Anaya. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: I also agree with what Commissioner Montoya said. This – the developers did follow the community plan that was proposed in La Cienega.

These developers have jumped through all the hoops and I think even more than other developers. They've incorporated affordable housing in this development, open space and trails. They have brought water availability to this subdivision which they didn't have to at this point, as Commissioner Montoya alluded to.

This development is going to have a wastewater disposal system. We have development throughout Santa Fe County, not only in the La Cienega area. We have development happening in the Galisteo area, the Galisteo Basin Preserve. We have development expanding in the Edgewood area, Stanley, Eldorado, Tesuque, it's happening through the Santa Fe County. I sit on the Agricultural and Rural Affairs Committee for the national level, the National Association of Counties, and I'm very concerned about the acequias. I do not want to lose the acequias in our communities. I know that in the Village of Galisteo they had the acequias a long time ago and they lost them and I don't want that to happen to La Cienega.

So I hold that close to my heart and we're going to do everything we can to preserve that. And I would like to see that this development come back and possibly go under County water, and that's one way we can preserve the water, the groundwater in La Cienega. And another thing I'd like to see happen, and we're working on it through the leadership with Roman and that is provide water down County Road 54 to the racetrack, to get those people off of the groundwater and onto County water, and that is going to happen. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Any other comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I feel the issue here is we still don't have a master plan that's truly a master plan. We have an unknown area there you see in the map in the white, as opposed to the yellow and the green, that has a very general plan of large lots and the applicant has indicated that they may well be back for an amended master plan to provide additional density in that area. I believe the community has talked to the applicant with regards to limiting the number of units and the applicant doesn't want to make that commitment at this time.

So we have kind of a Catch-22 here and I think that if we stay with the plan as it is that there will be a community water system and a community sewer system. We need to have a master plan that relates to that and that does in fact provide some specificity as to what the balance of the development is all about. So at this point in time, unless there's some other mechanism to provide that concept of what is the total development going to be, I'd have to say that I think the master plan is still not complete for final vote.

CHAIRMAN CAMPOS: Is that it?

COMMISSIONER SULLIVAN: That's all.

CHAIRMAN CAMPOS: Just a comment is that the idea of a public water system, an extension of the service area is a bad idea from a planning perspective. Right now, we've spent a lot of time as a County to define growth areas, areas where we want infrastructure. What some Commissioners are suggesting is that we be reactive as we've always been. A developer comes out there, we extend our service area. They run the whole

show as to where growth is going to occur. It's a bad idea here and I hope the residents of La Cienega do not get behind that bandwagon. It's bad for the county. Thank you.

COMMISSIONER VIGIL: Mr. Chair. Thank you. There have been some other conditions of approval that have been mentioned here so I want clarification on the record before any vote is taken. That is to be placed on the County water system, and unlike Commissioner Campos, I do not believe that the aquifers should be tapped into in this area, and this development is close enough to extend their water delivery system to the Las Lagunitas area. Would the applicant be in agreement with placing – let me finish, there's another condition with this – placing this development – and I want it clarified for the record that master plan is only conceptual. But I think this needs to be a part of the conceptual plan. Placing this development on the County water system and transferring those water rights to the County. Do I have a yes or a no on that?

MS. VAZQUEZ: Mr. Chair, Commissioners, Santa Fe Canyon Ranch would be in agreement with a condition that would require us to hook into the County water system, which, just for the record is actually within the property boundaries of the development. And transferring the 14.55 acre-feet of water to the County.

COMMISSIONER VIGIL: Okay. The other issue and you may want to – I'll wait until you speak to your client.

MS. VAZQUEZ: Mr. Chair, Commissioners, I just also want to clarify that there is water that we've already transferred, that Santa Fe Canyon Ranch has transferred into the diversion as well.

COMMISSIONER VIGIL: Okay. Then the next request that I would have, and I appreciate the comments that have been made about the developer working with this but by the same token, here is a community who did not anticipate what was coming forth with this and probably to some extent, based on the arguments that I've heard, there was an intention never to have this area developed. We have nothing that keeps us or prohibits us from doing that, so we have to be Code-compliant with regard to this. But in the master plan development one of the concerns that has been brought forth through previous testimony is the density. I need one question answered because this has not been testified to but it is something that I understand is a new development and that is there has been a proposal, either from one of the public land trusts or something of that nature to purchase Phase III of this development. Can you clarify that?

MS. VAZQUEZ: Mr. Chair, Commissioners, I will. It's not entirely Phase III. We do have a proposal. I can't go into all of the details with regards to that because it is conceptual at this point, but we have a proposal for the purchase of land, most of it around the Santa Fe Canyon area.

COMMISSIONER VIGIL: Okay, so that would be the land that would abut the canyon itself.

MS. VAZQUEZ: It is the pristine area, yes, that they would want to protect, and I believe includes portions of the wetlands.

COMMISSIONER VIGIL: I see Mr. Schutz creating a circle around Phase III.



Can you clarify that for me? Is the proposal just around the canyon or does it include Phase III?

MS. VAZQUEZ: Mr. Chair, Commissioners, it is just – it is this area here. It is not the full – all the acreage within Phase III at all. It's a large chunk of it. Approximately about 400 acres, but it is not the entire Phase III.

COMMISSIONER VIGIL: Okay. The density issue has been a high concern to this community. And I thoroughly understand that and I have to protect their concerns with regard to that. While I can appreciate you've come down from 600 to 174, there has to be a commitment to the density issue on this. 174 units in and of itself is still not agreeable to many of the community members. It still creates an inordinate amount of density in an area that never had it. And so my request to you is a condition of approval of limiting this to 174 units. Would you agree to that?

MS. VAZQUEZ: Mr. Chair, Commissioners, two points with regards to that. First of all, we believe that this master plan is already capped at 174 units. We cannot go beyond 174 units without coming back to you. An amended master plan would require public notice. It would require a submittal and most importantly, a public hearing process, but more important than any of those things it would require us to show that we have water availability. So at this point we believe we are capped at 174 units, Commissioners and we would not be agreeable to making a commitment that would nullify the Santa Fe Canyon Ranch's ability under the Code at this point.

And I want to make one other point. When we submitted this master plan originally it was 605 units. We had an interpretation of the ordinance that was different than the public's. We worked with the public; we went down to 174 units. When we submitted the master plan we put specific language in the development plan, written on the plat and in the plan itself, and it was really a notice issue. And what we put in there was we reserve the right to come back in for an amended master plan.

In retrospect, maybe that caused a lot of unnecessary hardship on everybody, because frankly, every developer has that right to come in. It was put in there as an issue of notice so it wouldn't come as a surprise to anybody if in 15 or 20 years this development came back in for that. I also want to point out, Commissioners, that we have publicly testified to the fact that Phase I and Phase II will take – Phase I will take approximately 15 years for build-out, just Phase I alone. At that point, Commissioner, your growth management plan will be in place, the utility boundaries may be different, the whole area of Santa Fe is going to be different at that point, and we don't know what that issue raises. We believe that we're capped at this point, but we would not agree to waive our rights under the Code.

COMMISSIONER VIGIL: Okay, another condition of approval. We've heard testimony today that the current design is too close to some of the residents in that area. Would the applicant be willing to consider distancing themselves more from those residents that they are currently too close to? In other terms, relooking at the design to address some of the residents' concerns?

MS. VAZQUEZ: Mr. Chair, Commissioners, may I have a moment to speak

to my client on that?

CHAIRMAN CAMPOS: We've got to move on, Commissioner. We've got one hearing at 1:30 and then at 2:00 that's very important.

MS. VAZQUEZ: Mr. Chair, Commissioners, what we did in this design is we created it in a way that's actually required by the La Cienega Ordinance, is that if you're going to cluster, you need to cluster in such a way to respect the natural landscape of the area. So if you'll notice in Phases I and II we have some long cul-de-sacs, and we've got some roads that aren't on a grid pattern specifically to conform with the landscape. And we have already pushed the homes at a distance and created the building setbacks. What Santa Fe Canyon Ranch is, however, willing to do is take a look at trying to move some of them on a case by case basis and that would probably require us to do a movement of the building envelopes a little bit more if we could. But it would be very difficult to meet the Code in terms of creating a subdivision that meets the natural landscape, as well as clustering and move that setback any farther. But we would be willing to look at individual lots. I believe this is the closest lot here, and it's Lot 25. I believe it's the closest lot to the property. And that's the one I believe is 132 feet from the property line.

COMMISSIONER VIGIL: So, am I understanding the applicant to say they would consider a reconfiguration at some level to meet the requests of the community?

MS. VAZQUEZ: We would consider a reconfiguration of certain lots, but not the entire subdivision.

COMMISSIONER VIGIL: And in effect, it may impact the entire subdivision to some extent.

MS. VAZQUEZ: Yes, Commissioner, either through movement of that lot or movement of the building envelope within that lot to create a bigger setback.

COMMISSIONER VIGIL: Okay. Then Mr. Chair, I would just ask Commissioner Montoya and Commissioner Anaya if they would be willing to accept these amendments and agreements by the developer in their motion – that would be that they would extend the water service to serve the development with the County utility water delivery system, that they will transfer water rights, that the applicant will reconfigure submitted master plan to meet the community's request.

MS. VAZQUEZ: May I clarify that last condition, Commissioner? On a lot-by-lot basis and possibly by moving within the lot the building envelope. Was that your understanding?

COMMISSIONER VIGIL: Yes, if that's the limitation of it. But I'm also thinking you may be impacted –

MS. VAZQUEZ: And we may have to, but we'd like to explore those. We would like to have the ability under this condition to explore those options.

COMMISSIONER VIGIL: Okay.

COMMISSIONER MONTOKYA: I would agree to the first two, because I think the applicant sounds agreeable to it, and I think to explore that other option that Commissioner Vigil was suggesting might be something, rather than placing a condition on it

if it's possible to explore that, at least put it in that way so it's not something that's necessarily binding. Because quite frankly, I like the configuration of the development now as opposed to the way it was when it was so spread out and had a bunch of lots all over the place. Now, it's much more with I think what our Native American brothers and sisters were doing when they had the pueblo idea and I think they had it right in terms of the living and that sort of thing. So I think that's – if it's not going to impact it in a significant way I would probably be okay with at least the exploration of it.

COMMISSIONER VIGIL: Okay. Is Commissioner Anaya in agreement with it?

COMMISSIONER ANAYA: Mr. Chair, Commissioner Vigil, I got the water service transfer and the water service. And then the second one – what was the second one?

CHAIRMAN CAMPOS: Water rights.

COMMISSIONER VIGIL: Water rights.

CHAIRMAN CAMPOS: Transfer the water rights to the County.

COMMISSIONER ANAYA: Yes, but did you mention anything about units?

COMMISSIONER VIGIL: The 174 density, they have not agreed to that.

COMMISSIONER ANAYA: Okay. So the one thing was the water service – extending the water and transferring the water.

COMMISSIONER VIGIL: And the third thing, Commissioner Montoya has said he, rather than include it in the conditions of approval would request that the applicants work to reconfigure the lots, or perhaps the master plan to accommodate the proximity of its design to other residents in the community.

COMMISSIONER ANAYA: I believe he used the word explore so I'll go ahead and agree to that.

COMMISSIONER VIGIL: Okay.

MS. VAZQUEZ: But, Mr. Chair, I have a clarification question.

CHAIRMAN CAMPOS: Briefly. We're running out of time.

MS. VAZQUEZ: Okay. With regards to the water rights, in terms of transferring either the 14.55 or the water rights that are used in the diversion, correct? Whatever water rights that we have that are acceptable to the County for the 14.55. Is that correct?

COMMISSIONER VIGIL: Yes.

MS. VAZQUEZ: Okay. And my second clarification is, if we end up working with the community on moving some of the lots, we could submit that with preliminary and not have to come in for an amended master plan? Given that it is a condition of approval to explore that option, and if we come to a resolution, would we be able to come in at preliminary instead of an amended master plan?

COMMISSIONER ANAYA: I don't have a problem with it.

CHAIRMAN CAMPOS: Counselor Ross, could you assist us?

MR. ROSS: Mr. Chair, I just consulted with Land Use staff and they seem to think it's okay.

CHAIRMAN CAMPOS: They seem to say it's okay?

MR. ROSS: They seem to think it's okay to do that.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Hold on. Commissioner Vigil has the floor still.

COMMISSIONER VIGIL: I've gotten my questions answered. I'm prepared to vote.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I've felt that subdivisions of this size are ready candidates for tying into the County water system, but I don't think that it's good decision making or land use planning to open up the floodgates as we're doing here. If we provide the applicant with that benefit of the County water system, which is a major benefit, not having to go through additional water rights hearings and having that water available, we need something in return and we're not getting that here. What we're getting is vague assurances that maybe in 15 years they'll come back for an amended master plan, but maybe in two years they'll come back for an amended master plan.

So I don't think the County needs or should make that big a commitment without some equally substantive commitment from the developer, and that substantive commitment would be that this project limits would be 174 units. Now, they can continue to develop with the well system and go through the process of the protests and the impairment of wells and so forth, and that's fine. I'm not objecting to the master plan based on the water component of it as it currently stands, but rather based on the pure planning component of it that's incomplete. It's an incomplete master plan.

So, if we're going to make that big a commitment, which I would support, to put this entity on public water, we need an equally substantive commitment back from the developer, and that is to limit the size of this development that's more in harmony with the rural nature of the community. So I feel we're giving the developer way too much here. We're opening the floodgates with this type of an approval. I would rather see them proceed with the wells and rely on the State Engineer and their expertise what the level of impairment would be and what the conditions on those wells would be. I think they would be more able to do that, or qualified to do that than we are. Thank you.

COMMISSIONER VIGIL: Mr. Chair, I have to agree to that, and I'd like to just make a recommendation. Perhaps this is something that needs to be discussed between our counsel and their client. It makes more sense to me that we have further clarification on what this development is going to look like. So I'd really like a response from that. That's what I'd really like to vote for.

CHAIRMAN CAMPOS: Yes or no? Will you limit to 174?

MS. VAZQUEZ: Mr. Chair, if I may have a moment with my client.

Mr. Chair, Commissioners, we thank you for the ability to get on the County water system. It is good public policy because the major concern that the neighbors have had is with regards to the mining of the aquifer in that area, but we are not at this point willing to waive our right under the County Code to come in, if need be, for an amended master plan. The

issue of County water is an issue that is a benefit to everybody. Commissioner Sullivan, it is not just a benefit to this development, and in fact these developers have planned for a community water system. We've already gone before the State Engineer. There has been an agreement by all of the protestants as to the impairment.

CHAIRMAN CAMPOS: The answer is no, right? Is that it?

MS. VAZQUEZ: Yes.

CHAIRMAN CAMPOS: Okay. So I have a couple of comments for the community. I think having this community become public water under the County is creating a growth area without telling you that in La Cienega. You've said that they're destroying your community today. Well, let them create a service area and see what happens there. If they don't totally destroy your community as a rural community. That's what's going to happen and it's certainly an easy political decision here. Yes, okay, we give the developer a yes, but we're going to give you the water system, but it doesn't work out that way. It's really going to just create a growth area in a very bad way. Right now we're trying to create growth areas in a rational way, the County staff is, and create a new plan that makes sense where we put water and infrastructure. This negates that. So I'm voting no if those conditions are on.

COMMISSIONER SULLIVAN: Mr. Chair, I would say that if Commissioners Montoya and Anaya and Vigil feel that we should move forward with this that it's far more beneficial to move forward as a pure community water system for those controls, the reasons of those controls that I just mentioned regarding the protests that are allowed when you get into impairment of nearby wells, than it would be to say, yes, let's give them the best of both worlds. Let's give them a Santa Fe County water connection hook-up, and they still retain their right to come back and further densify the development. I think we're way in the wrong direction there. That if you feel you need to approve this, that it's appropriate to approve this, I would approve it as it is, not add the County water system into that, and then when they come back later for preliminary or final, if they want to rediscuss that we can rediscuss it. But I see what's currently being talked about as the worst of both worlds for the community. Thank you.

COMMISSIONER VIGIL: I agree. I withdraw my request for the conditions of approval and it should remain on a community well system.

CHAIRMAN CAMPOS: I agree.

COMMISSIONER SULLIVAN: So, Mr. Chair, can I clarify, the motion is to approve with conditions as presented.

**The motion passed by 3-2 voice vote with Commissioners Anaya, Montoya and Vigil voting in favor and Commissioners Campos and Sullivan voting against.**

[The Commission recessed from 12:38 -1:40 and Commissioner Montoya was excused from the remainder of the meeting.]

## MEMORANDUM

**DATE:** September 9, 2008  
**TO:** Board Of County Commissioners  
**FROM:** Joe Catanach, Zoning Case Manager  
**VIA:** Jack Kolkmeier, Planning & Development Div. Director  
Penny Ellis-Green, Planning & Zoning Manager  
**FILE REF.:** LCDRC CASE # MP/S 06-5212 Santa Fe Canyon Ranch

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### ISSUE:

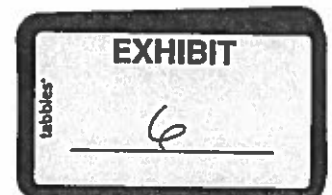
Santa Fe Canyon Ranch, LLC (David Schutz, Jim Borrego), Applicants, Rosanna Vasquez, Agent, request Master Plan approval for a residential subdivision consisting of 162 lots (174 total residential units) on 1,316 acres to be developed in 3 phases and identified as Santa Fe Canyon Ranch. As required in Article V, Section 8.2.1(d) (cul-de-sacs) of the Land Development Code a request is included for several cul-de-sacs to exceed 500' feet in length. The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

### SUMMARY:

On March 5, 2008 the LCDRC met and heard this case (Exhibit J). The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed. On July 2, 2008 the LCDRC continued the public hearing and the meeting concluded with a failed motion for a recommendation of approval with no subsequent action (refer to July 2008 LCDRC minutes attached as Exhibit K).

The site is located at I-25 and La Entrada, within the La Cienega and La Cieneguilla Traditional Historic Communities (Exhibit A). The Applicant is requesting Master Plan approval for a 162 lot, Type II subdivision (25-499 lots, with lots less than 10-acres in area) on 1316.13-acres.

Proposed lot sizes range from .30 to 214-acres. The majority of the proposed development is clustered in an area of approximately 400.2 acres. The remainder of the area (916-acres) on the northwesterly side of Alamo Creek, will consist of six large lots (140 to 214-acres) with 3 home sites proposed on each lot (18 total). No commercial development is proposed.





Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

The total number of units proposed in the subdivision 174, comprised of 129 market rate units, and 45 affordable units, which incorporates a ratio of affordable to market rate units of 30% calculated from a base density of 151 lots.

The Application has been reviewed for compliance to Ordinance 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), the Santa Fe County Land Use Code (Ordinance 1996-10, as amended), Ordinance 2003-02 (Master Plan Procedures), Ordinance 2005-2 (Ordinance Amending 2003-2, and 1996-10, which specifies at what stage water rights are required), and Ordinance 2006-2 (Affordable Housing Ordinance) and the following briefly summarizes each portion of the review conducted by staff:

#### **Existing Conditions**

The proposed Santa Fe Canyon Ranch site is bounded on the north by sparse rural residential development, on the south by Interstate 25, on the east by La Entrada de Cienega and on the west by undeveloped Pueblo lands. The site is undisturbed piñon/juniper with sage understory, with primarily gentle slopes and is traversed by a perennial stream (Alamo Creek). Three residential units presently exist on the property.

The City of Santa Fe Airport Manager has reviewed and provided comment on this project due to the location of the property in line with their busiest runway. The Airport Manager requests a disclosure regarding noise impacts be placed on the Final Plat and included in the Subdivision Disclosure Statement (Refer to Condition 9 and Exhibit F for City comments regarding this issue).

#### **Water Supply and Availability**

A review of this project was conducted of the amended Master Plan, Geology and Water Availability Report, and supplemental water documentation for Phase I of this project.

The property is located in the La Cienega/La Cieneguilla Traditional Historic Communities and is subject to the Land Development Code requirements. The Applicant proposes to construct a new community water system. An 82,000 gallon water storage tank will be required for domestic and fire protection use in phase one.

The proposed water use for Phase I is 14.6 acre feet per year, the total water budget for full build out is 31.52 acre feet per year with a reserve of .80 acre feet per year for a total water budget of 32.32 acre feet per year. The Applicant's water budget estimates household use to be 0.18 acre feet per year which includes system loss. The Applicant submitted supporting data to demonstrate their ability to meet this restriction.

The applicant will submit a request to the BCC for water pursuant to the Affordable Housing Ordinance to serve the affordable units. However, the applicant owns sufficient water rights to

serve Phase I lots including the affordable units.

The Applicant's have met all the requirements for water of the Santa Fe County Land Use Development Code and subsequent ordinances for Phase I. The Applicant has demonstrated sufficient water availability for Phase I of this project but additional data and clarification is necessary for subsequent phases. The full water supply review is in Exhibit F.

### **Density**

The project contains 1316.13 acres to be developed with 174 dwelling units, resulting in a gross density of 1 residential unit per 7.56 acres. The project is divided into separate phases as follows:

Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

The proposed density meets the requirements of Ordinance 2002-09 (La Cienega/La Cieneguilla Community Ordinance) which allows a gross density of 2.5 acres if an adequate 100 year supply of water, and no impairment to neighboring wells is proven by an on-site geohydrological well test.

The Application states that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available subject to approval of a master plan amendment by the BCC.

### **Phasing**

Revisions to the Master Plan report (Exhibit C) indicates that Phase I will consist of 57 market rate units and 23 affordable units for a total of 80 units on 200 acres in the initial phase of development. Phase II will consist of 54 market rate units and 22 affordable units for a total of 76 units on 199 acres. Phase III consists of the six large tracts (Tracts 4A through 4F; 140 acres + each, total area 916 acres) containing three market rate units on each Tract (18 total). The report states that full buildout will occur after ten years.

### **Affordable Housing**

The proposed subdivision includes 45 affordable units as required by Ordinance 2006-02 (Affordable Housing). All affordable units are integrated in the first two phases of development, with no affordable units identified on the large estate lots that comprise Phase III of the development. Affordable units will be equally dispersed in the four income ranges (11.3 affordable in each income range). The Application has been forwarded to the County's Affordable Housing Administrator for review. The Affordable Housing Administrator states in correspondence dated 2/6/08, and again in reviewing resubmitted information in correspondence dated 5/7/2008 that the project is conceptually compliant with the County's affordable housing criteria (Exhibit F).

### **Market Analysis**

A preliminary Market and Fiscal Impact Analysis has been included with the Master Plan application as required by Article V, Section 5.2.2.g paragraphs (2) and (3) of the Land Development Code. These analyses were conducted in early 2006 and were based on construction of 420 residential units. The salability computations provided were based upon land sales vs. sale of finished homes, and pricing data was based upon conditions existing in the time period from 2002-2005. The submitted analysis does not accurately reflect a downturn in the housing market in Santa Fe County, but rather represents a strong real estate market and cites that Santa Fe is experiencing a "building boom" (page 9, Appendix J), and also states "The Santa Fe market for new homes and land has remained strong even in weaker economic times" (page 17, Appendix J). The Market Analysis indicates a 20-year sales period, inconsistent with other documentation provided which cites a four-year build-out. The Fiscal Analysis concludes that the development of Santa Fe Canyon Ranch will have a beneficial impact estimated to be \$51 million over a twenty year period. These analyses have been reviewed by the County's Economic Planner who has indicated significant updates will be required (Exhibit F).

### **Access/Traffic Impact**

A Traffic Impact Analysis has been included with the Master Plan application as required by Article V, Section 5.2.2.g paragraph (5) of the Land Development Code. The project proposes that the main subdivision access will be from La Entrada de Cienega, and secondary access will be provided through construction of a frontage road extension to the Thompson Overpass along the westerly side of Interstate 25 as part of Phase I. Emergency access previously proposed to serve the area through the subdivision from County Road 50 (via La Lomita) has been eliminated. The NMDOT requires construction of a right turn deceleration lane for southbound traffic on the E. Frontage Road to La Entrada for southbound traffic, and right turn deceleration lane for eastbound traffic on Entrada La Cienega on the southbound on-ramp to I-25 and a left turn deceleration lane for westbound traffic on Entrada La Cienega turning left into the SF Canyon Ranch entry. The NMDOT requires that design plans for these improvements are submitted for approval along with the Final Development Plan (Exhibit F).

Construction of the secondary access will require an engineered crossing of Alamo Creek which is a federally designated 100-year floodplain. The Applicant is proposing to utilize box culverts for this crossing. This design must be submitted to the Federal Emergency Management Agency for review prior to commencement of construction. A Section 404 permit will also be required, which will require the approval of the U.S. Army Corps of Engineers.

A request is included for several cul-de-sacs to exceed 500' feet in length. As outlined in Article V, Section 8.2.1(d) (cul-de-sacs) of the Land Development Code (Exhibit H) the LCDRC may consider this request for lengths over the permitted 500', if public safety factors can be met. Lengths requested range from 850' to 1000', with the remainder designed in compliance with Code criteria. Staff recommends that a looped road will be required for Phase III instead of a 3 mile long dead end cul-de-sac road.

The TIA has been submitted in accordance with the requirements of the Land Development Code, and this analysis indicates that surrounding roadways will not be adversely impacted by the construction of the subdivision. Morning and evening peak traffic hours have been summarized

and indicate that all surrounding roadways will operate at a Level of Service A or B. The TIA has been distributed for review by the New Mexico Department of Transportation, County Public Works and County Transportation Planning. (Exhibit F)

#### **Liquid Waste Disposal**

Due to the lot sizes proposed, a community liquid waste system is required by Article V, Section 2 of the Land Development Code. The developer is proposing an on-site advanced wastewater treatment system. A Conceptual Liquid Waste Plan has been submitted which indicates that a water reclamation facility will be constructed and treated effluent will be discharged to Alamo Creek and return flow credits will be sought. A National Pollution Discharge Elimination System Permit (NPDES) permit, for point source discharge must be secured from the EPA prior to final approval of this proposed system. The Applicant has provided a Conceptual Dry Utility Plan which indicates that all new and existing power lines will be placed underground, that there is an existing gas main on the property which will be used.

The Application has been forwarded to the County Utility, the County Water Resources Specialist and the New Mexico Environment Department for review. (Exhibit F)

#### **Environmental Impact**

A preliminary Environmental Assessment has been submitted as required by Article V, Section 5.2.2 paragraph (c) of the Land Development Code. This analysis indicates that federally endangered species (SW Willow Flycatcher) and federally threatened species (Mountain Plover) are/may be present on the subject property. Review comments from the New Mexico Department of Game and Fish dated March 2, 2006, has been included by the Applicant (Exhibit B, Appendix E). This correspondence recommends that the U.S Fish and Wildlife Service, Albuquerque office be contacted for comment. The Applicant forwarded the Environmental Assessment to the U.S. Fish and Wildlife Service on February 11, 2008, for comment, to date comments from this agency have not been received. Santa Fe County Planning staff have reviewed and provided comment regarding preservation of wildlife corridors and potential visual impacts (Exhibit F).

#### **Stormwater and Terrain Management**

Sixteen on-site detention ponds are proposed to manage post-construction stormwater runoff. Maintenance of these ponds will be the responsibility of the Home Owner's Association. Placement of numerous culverts and conveyance facilities is indicated. The site is traversed by ephemeral streams which includes a federally designated floodplain. No encroachment may occur in the floodplain until it is demonstrated through detailed hydrologic and hydraulic analysis that the cumulative effect of the development, when combined with other anticipated development will not result in an increase of more than one foot to the elevation associated with the 1% recurrence interval storm event at any point in the community. The secondary access road needed for the development will cross this floodplain. A CLOMR will be required if this crossing increases the water surface elevation by more than one foot (1'), and following construction completion a LOMR will be required.

A conceptual Terrain Management Plan and a Slope Analysis have been submitted and this plan indicates that the majority of the project area is on slope of less than 15%. No disturbance of

slopes exceeding 30% will be allowed. The concepts as submitted are compliant with Article V, Section 5.2.2 (c) of the Land Development Code.

### **Open Space**

The Master Plan indicates that 400 acres (32%) of the entire site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. Open space will include a community park with a playground and picnic facilities. Trails will be provided which loop through the subdivision. These trails will be open to the public. The application has been reviewed by County Open Space and Trails for compliance to Code (Exhibit F).

### **Archaeological Impact**

A detailed Archaeology report is required per Article VI, Section 3 of the Code. The Application includes this information which identifies the presence of 54 archaeological sites, with 38 considered significant sites within the project area. The Application acknowledges that these sites must be protected pursuant to Code and in accordance with current local, state and federal law governing archaeologically significant sites. The report has been forwarded for comment to the New Mexico State Historic Preservation Office for review (Exhibit F).

### **School Impact**

A School Impact Report has been prepared as required by Article V, Section 5.2.2(g) 7 of the Code. A school site has not been included in the subdivision. The Application indicates that meetings (correspondence dated 6/26/06) have been conducted with the Santa Fe Public Schools Superintendent (Exhibit F).

### **REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of Staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

### **RECOMMENDATION:**

Article V, Section 5.2.6 of the Land Development Code states "Approval of the Master Plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time". Ordinance 2003-2, Section 5.2.4 states "Master Plan Approval does not confer a vested development right to the applicant or future assignee, given that said approval is solely predicated on a preliminary determination with respect to viability and conceptual integrity".

The proposed Master Plan shall be considered based on the following criteria:

- Conformance to the County Growth Management Plan and La Cienega/La Cieneguilla Community Plan.
- Suitability of the site to accommodate the proposed development.
- Suitability of the proposed uses and intensity of development at the location.
- Impact to schools, adjacent lands or the County in general.

- Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed.
- Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

The proposed Master Plan is in accordance with applicable plans and ordinances for La Cienega and the County, staff recommends master plan approval and approval for the lengths of the cul-de-sacs subject to the following conditions:

- 1) A looped road shall be constructed in Phase III to eliminate the proposed dead end cul-de-sac.
- 2) In the event the riparian restoration project will cause an increased depletion on the stream system the applicant shall acquire or retire water rights to satisfy this depletion.
- 3) The applicant shall demonstrate return-flow as required by the OSE prior to final approval of phase II or the applicant will acquire water rights to serve these phases.
- 4) Any increase in density will require a Master Plan amendment and platting approval by the BCC.
- 5) Compliance with comments and conditions presented by the following:
  - a) County Fire Marshal
  - b) County Utility
  - c) County Public Works
  - d) County Open Space and Trails
  - e) County Natural Resources Planning
  - f) County Transportation Planner
  - g) Santa Fe County Public Schools
  - h) Santa Fe County Affordable Housing
  - i) Santa Fe County Planning
  - j) State Historic Preservation Organization (SHPO)
  - k) State Department of Transportation (NMDOT)
  - l) New Mexico Environment Department (NMED)
  - m) Office of the State Engineer (OSE)
  - n) Soil and Water Conservation District
  - o) City of Santa Fe (Airport)
- 6) The Preliminary Plat and Development Plan submittal for phase one shall include:
  - a) An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to the completion of the Rail Runner Express.
  - b) A public parking area (Trailhead) adjacent to the trail.
  - c) Proof of discharge permit submittal with NMED.
  - d) Geotechnical (soils) report.
- 7) The trail along the access road shall be constructed in Phase I, the park shall be platted in Phase I.
- 8) The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its



intended use; these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, and the grantors or user's own personal perceptions of the noise exposure could change and his or her sensitivity to aircraft noise could increase.

- 9) Master Plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Article V, Section 5.2.7 of the Santa Fe County Land Use Code. As noted in Article V, Section 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the La Cienega Development Review Committee (LCDRC) and the BCC.
- 10) The approved Master Plan must be recorded in the County Clerk's Office as required by Article V, Section 5.2.5 of the Land Use Code.
- 11) Provide lot for future fire sub-station as previously proposed by applicant and recommended by County Fire Dept.

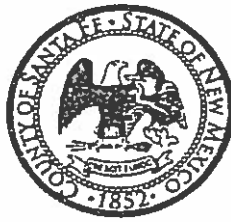
**Exhibits**

Exhibit A	Vicinity Map
Exhibit B	Master Plan Report
Exhibit C	Report Addendum
Exhibit D	Previous Master Plan
Exhibit E	Revised Master Plan Drawings
Exhibit F	Agency Response
Exhibit G	Community Meeting documentation
Exhibit H	Correspondence From Community Citizens
Exhibit I	March 2008 LCDRC Minutes
Exhibit J	July 2008 LCDRC Minutes

Harry B. Montoya  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Michael D. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Roman Abeyta  
*County Manager*

SFC CLERK RECORDED 03/11/2009

LCDRC CASE # MP/S 06-5212  
*Santa Fe Canyon Ranch LLC,*  
David Schutz and Jim Borrego (Applicant)  
Rosanna C. Vazquez, (Agent)

### ORDER

THIS MATTER came before the Board of County Commissioners ("BCC") for a public hearing on September 9, 2008 and September 30, 2008, on an application by Santa Fe Canyon Ranch, LLC ("Applicant"). After conducting a public hearing on the request and having heard from the Applicant and adjacent neighbors (who opposed the application), the BCC hereby FINDS, as follows:

1. The Applicant requested Master Plan approval of a residential subdivision consisting of 162 lots (174 total residential units) on 1,316 acres to be developed in three phases. The subdivision is to be identified as "Santa Fe Canyon Ranch."

2. On March 5, 2008, the La Cienega Development Review Committee ("LCDRC") met and heard this case. The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed. On July 2, 2008, the LCDRC continued the public hearing. Testimony was taken by the public and the Applicant. The meeting concluded with a failed motion for approval. The failed motion is the equivalent of an affirmative motion to deny the application. *Dugger v. City of Santa Fe*, 114 N.M. 47, 834 P.2d 424, 429 (Ct. App. 1992).

3. The BCC conducted public hearings on the Application on September 9 and September 30, 2008. The BCC received a staff review of the Master Plan submittal.

4. During the two public hearings, the BCC heard testimony from staff, the agent for the Applicant and persons in support and in opposition of the Application. The testimony was captured verbatim in the minutes of the meetings during which the case was heard. The verbatim minutes of the public hearings are attached hereto.

5. The property in question is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

6. The proposed development is bounded on the north by sparse rural residential development, on the south by Interstate 25, on the east by La Entrada de Cienega and on the west by undeveloped lands owned by the Santo Domingo Pueblo. The site is undisturbed piñon/juniper with sage understory, with primarily gentle slopes and is traversed by a perennial stream (Alamo Creek). Three residential units presently exist on

the property.

7. The project contains 1,316.13 acres to be developed with 174 dwelling units, resulting in a gross density across the property of one residential unit per 7.56 acres. The project is divided into separate phases as follows:

Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

8. The proposed density does not exceed that permitted by Ordinance 2002-09 (La Cienega/La Cieneguilla Community Ordinance) which allows a gross density of one residential dwelling unit per 2.5 acres if an adequate 100 year supply of water is provided, and no impairment of neighboring wells is proven by an on-site geo hydrological well test.

9. The subdivision will include 129 market rate units and 45 affordable units, creating a ratio of affordable to market rate units of 30%. This complies with Ordinance No. 2006-02.

10. Lot sizes in the proposed development range from .30 to 214 acres. The majority of the proposed development is clustered in an area of approximately 400.2 acres. The remainder (916-acres) on the northwesterly side of Alamo Creek will consist of six large lots (140 to 214-acres) with three home sites proposed on each lot (18 total). No commercial development is proposed anywhere in the proposed development.

11. Revisions to the Master Plan report by the Applicant indicate that Phase I of the development will consist of 57 market rate units and 23 affordable units, for a total of 80 units on 200 acres. Phase II will consist of 54 market rate units and 22 affordable units for a total of 76 units on 199 acres. Phase III will consist of the six large tracts (Tracts 4A through 4F; 140 acres + each, total area 916 acres) containing three market rate units on each Tract (18 total). The report states that full build-out will occur after ten years.

12. The amended Master Plan, Geology and Water Availability Report, and supplemental water documentation for Phase I of this project were reviewed by County staff.

13. The Applicant proposes to construct a new community water system on the property. An 82,000 gallon water storage tank is proposed for domestic and fire protection use in Phase I of the development.

14. The Applicant's water budget estimates household use to be 0.18 acre feet per year, which includes some system loss. The proposed water use from the Applicant's proposed water budget for Phase I is 14.6 acre feet per year (80 units times 0.18 afy plus 0.20 to account for use at the waste water treatment plant). The proposed water use is slightly less than the water rights available, but the Applicant plans to submit a request to the BCC for water rights pursuant to Ordinance No. 2006-02 (the Affordable Housing Ordinance) to serve the affordable units. See paragraph 17, below. The Applicant has also submitted a slightly reduced water budget that justifies a water budget below 14.55 afy. The total water budget for full build-out of 174 residential units is 31.52 acre feet

31.52 acre feet per year, with a reserve of .80 acre feet per year, for a total water budget of 32.32 acre feet per year.

15. Ordinance No. 2005-02 requires that an application for approval of a Master Plan provide a detailed water supply plan for the first sustainable phase of the development. The Applicant is required to submit sufficient written documentation to demonstrate that water rights are available for the first sustainable phase of the development. Ordinance No. 2005-02 contemplates an inquiry into the physical availability of water and the availability of water rights to support physical water deliveries. The Applicant has demonstrated both.

16. The Applicant owns or has under contract water rights that permit consumption of 14.55 afy. The first phase will consist of 80 housing units on 80 lots and will require 14.6 afy. The Applicant has applied to the Office of the State Engineer for recognition of return flow credits that would increase the amount that could be consumed to 32.32 afy. If approved, the water rights owned or under contract to the Applicant would be sufficient to supply the needs of all phases of the development.

17. The Applicant plans to submit a request to the BCC for water rights pursuant to Ordinance No. 2006-02 (the Affordable Housing Ordinance) to serve the affordable units. Given the fact that Ordinance No. 2006-02 may, under certain defined circumstances set forth in the Ordinance, require the County to supply water rights to support the affordable units, the applicant appears to have adequate water rights to serve the entire proposed development if the pending application for recognition of return flows is approved by the Office of the State Engineer. The Applicant has adequate water rights to serve the first phase of 80 lots. Additional data and clarification will be needed to assess the availability of water to serve subsequent phases.

18. The Applicant has provided detailed hydro geologic data supporting the applicant's assertion that adequate physical water supplies exists in the wells on the property to serve the needs of the first phase s of the development and also demonstrates that physical or legal impairment of adjoining wells will not exist.

17. The Application states that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available, but agrees that the Applicant (or successor in interest) may exercise these retained development rights only after receiving approval of a Master Plan Amendment from the BCC. Any such application would of course have to comply with the Land Development Code then in effect, and this Order makes no assurances with respect to such future submission, including whether such submission will even be permitted under a future Land Development Code.

18. The proposed subdivision includes 45 affordable units as required by Ordinance 2006-02. All affordable units are integrated into the first two phases of development, with no affordable units identified on the large estate lots that comprise Phase III of the development. Affordable units will be equally dispersed in the four income ranges. The Application was forwarded to the County's Affordable Housing Administrator for review. The Affordable Housing Administrator stated in correspondence 2008 that the project is conceptually compliant with the County's affordable housing criteria.

19. A preliminary Market and Fiscal Impact Analysis has been included with the Master Plan application as required by Art. V, Sec. 5.2.2.g paragraphs (2) and (3) of the Code. These analyses were conducted in early 2006 and were based on construction of 420 residential units. The market analysis was based upon land sales as opposed to sale of finished homes, and the pricing data was based upon conditions existing in the time period from 2002-2005. The analysis does not accurately reflect the current down turn in the housing market in Santa Fe County. The analysis is representative of a strong real estate market, states that Santa Fe is experiencing a "building boom" and also states "The Santa Fe market for new homes and land has remained strong even in weaker economic times." The Market Analysis is based on a 20-year sales period. The Fiscal Analysis concludes that the development of the Applicant will have a beneficial impact estimated to be \$51 million over a twenty year period.

20. A Traffic Impact Analysis was provided with the Application as required by Art. V, Sec. 5.2.2.g paragraph (5) of the Code. The project proposes that the main access will be from La Entrada de Cienega, and secondary access will be provided through construction of a frontage road extension to the Thompson Overpass along the westerly side of Interstate 25 as part of Phase I. Emergency access previously proposed to serve the area through the subdivision from County Road 50 (via La Lomita) has been eliminated. The NMDOT requires construction of a right turn deceleration lane for southbound traffic on the East Frontage Road to La Entrada for southbound traffic, and a right turn deceleration lane for eastbound traffic on Entrada La Cienega on the southbound on-ramp to I-25 and a left turn deceleration lane for westbound traffic on Entrada La Cienega turning left into the SF Canyon Ranch entry. The New Mexico Department of Transportation requires that design plans for these improvements are submitted for approval along with the Final Development Plan.

21. Construction of secondary access will require an engineered crossing of Alamo Creek, which is a federally designated 100-year floodplain. The Applicant is proposing to utilize box culverts for this crossing. The design must be submitted to the Federal Emergency Management Agency for review prior to commencement of construction. A Section 404 permit will also be required, which will require the approval of the U.S. Army Corps of Engineers.

22. As required in Art. V, Sec. 8.2.1(d) (cul-de-sacs) of the Code, a request is included for several cul-de-sacs to exceed 500' feet in length. As outlined in that section, lengths over 500' may be permitted if public safety factors can be met. Cul-de-sac lengths requested range from 850 feet to 1,000 feet in length. A looped road may be required for Phase III instead of the proposed three mile long dead end cul-de-sac.

23. The Traffic Impact Analysis (TIA) has been submitted in accordance with the requirements of the Code, and this analysis indicates that surrounding roadways will not be adversely impacted by the subdivision. Morning and evening peak traffic hours have been summarized and indicate that all surrounding roadways will operate at a Level of Service A or B. The TIA was distributed for review by the New Mexico Department of Transportation, County Public Works and County Transportation Planning.

24. Due to the number of lots and the sizes of the lots, a community liquid waste system is required by Art. V, Sec. 2 of the Code. The Applicant has proposed an on-site advanced wastewater treatment system. A conceptual liquid waste plan has been submitted which indicates that a water reclamation facility will be constructed and treated

effluent will be discharged to Alamo Creek. A National Pollution Discharge Elimination System Permit (NPDES) for point source discharge must be secured from the Environmental Protection Agency prior to final approval of the development. The Applicant has provided a Conceptual Dry Utility Plan which indicates that all new and existing power lines will be placed underground, and that there is an existing gas main on the property.

25. A preliminary environmental assessment has been submitted as required by Art. V, Sec. 5.2.2(c) of the Code. This analysis indicates that federally endangered species (the southwest Willow Flycatcher) and a federally threatened species (the Mountain Plover) are/may be present on the subject property. Review comments from the New Mexico Department of Game and Fish dated March 2, 2006, have been received. The Department recommends that the U.S. Fish and Wildlife Service, Albuquerque office, be contacted for comment. The Applicant forwarded the environmental assessment to the U.S. Fish and Wildlife Service on February 11, 2008. To date comments from this agency have not been received. Santa Fe County planning staff have reviewed and provided comment regarding preservation of wildlife corridors and potential visual impacts.

26. Sixteen on-site detention ponds are proposed to manage post-construction storm water runoff. Maintenance of these ponds are proposed to be the responsibility of the Home Owner's Association.

27. Placement of numerous culverts and conveyance facilities is indicated on the drawings submitted with the application. The site is traversed by ephemeral streams and includes a federally designated floodplain. No encroachment may occur in the floodplain until it is demonstrated through detailed hydrologic and hydraulic analysis that the cumulative effect of the development, when combined with other anticipated development, will not result in an increase of more than one foot to the elevation associated with the 1% recurrence interval storm event. The secondary access road needed for the development will cross this floodplain. A CLOMR will be required if this crossing increases the water surface elevation by more than one foot (1'), and, following construction, completion a LOMR will be required.

28. A conceptual Terrain Management Plan and a Slope Analysis have been submitted and this plan indicates that the majority of the project area is on slope of less than 15%. No disturbance of slopes exceeding 30% will be allowed. The concepts as submitted are compliant with Art. V, Sec. 5.2.2 (c) of the Code.

29. The Master Plan indicates that 400 acres (32%) of the entire site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. The open space will include a community park with a playground and picnic facilities. Trails will be provided which loop through the subdivision, and all trails will be open to the public.

30. A detailed archaeology report was submitted in compliance with Art. VI, Sec. 3 of the Code. The Application identifies the presence of 54 archaeological sites, with 38 considered significant sites. The Applicant acknowledges that these sites must be protected pursuant to the Code and in accordance with current local, state and federal law governing archaeologically significant sites.

31. A School Impact Report was prepared as required by proposed Art. V, Sec. 5.2.2(g) 7 of the Code. A school site has not been included in the subdivision. The Application indicates that meetings have been conducted with the Santa Fe Public Schools Superintendent.

32. The City of Santa Fe Airport Manager has reviewed and provided comment on this project due to the location of the property in line with the airport's busiest runway. The Airport Manager requested a disclosure regarding noise impacts be placed on the Final Plat and included in the Subdivision Disclosure Statement (Refer to Condition 9).

33. The Application was reviewed for compliance to Ordinance 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), the Code (Ordinance 1996-10, as amended), Ordinance 2003-02 (Master Plan Procedures), Ordinance 2005-2 (Ordinance Amending 2003-2, and 1996-10, which specifies at what stage water rights are required), and Ordinance 2006-2 (Affordable Housing Ordinance).

34. Under the Code, a master plan is in-part a planning document and in-part a development review document. The relevant planning documents include the County General Plan and the La Cienega and La Cieneguilla Traditional Community Plan. The proposed master plan also provides general information concerning the specific plans for the development of the property, which must be consistent with the planning documents described previously. See e.g. Art. V, Sec. 5.2.3. The planning documents, together with the proposed master plan, must provide a plan of development that will coordinate the myriad of factors and policies that are considered in the community development process. Dugger, citing 5 Patrick J. Rohan, Zoning and Land Use Controls § 37.01(1)(a)(1991). See also NMSA 1978, Section 3-19-9 (1965).

35. The Code provides that a "...master plan . . . is less detailed than a development plan. It provides a means for the [LCDRC] and the Board to review projects and the subdivider to obtain *concept approval* for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval." Art. V, Sec. 5.2.1(b) (emphasis added).

36. The criteria and requirements in the Code for master plan approval are: "(i) conformance to County and Extraterritorial Plan; (ii) suitability of the site to accommodate the proposed development; (iii) suitability of the proposed uses and intensity of development at the location; (iv) impact to schools, adjacent lands or the County in general; (v) viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed; and (vi) conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards." Art. V, Sec. 5.2.4(b) (Master Plan Approval).

37. The application: (i) conforms to the County General Plan and the La Cienega and La Cieneguilla Traditional Community Plan; (ii) the site is suitable to accommodate the proposed development; (iii) the proposed uses (residential) and intensity of use are suitable at the site; (iv) impacts to schools, adjacent lands and the County in general have been considered and can be mitigated; (v) subsequent phases of the project beyond the first phase are viable so long as the water issues discussed herein are addressed, and



Phase I of the project will viable on its own if the remainder of the project is not built;  
(vi) the application conforms to the Code as of the date of this Order.

38. Therefore, the application should be approved.

39. The approval of the application should be conditioned upon the following conditions, which the applicant has agreed to:

- 1) A looped road shall be constructed in Phase III to eliminate the proposed dead end cul-de-sac.
- 2) In the event the riparian restoration project will cause an increased depletion on the stream system the Applicant shall acquire or retire water rights to satisfy this depletion.
- 3) The Applicant shall demonstrate return-flow as required by the OSE prior to final approval of phase II or the Applicant will acquire water rights to serve these phases.
- 4) Any increase in density will require a Master Plan amendment and platting approval by the BCC.
- 5) Compliance with comments and conditions presented by the following:
  - a) County Fire Marshal
  - b) County Utility
  - c) County Public Works
  - d) County Open Space and Trails
  - e) County Natural Resources Planning
  - f) County Transportation Planner
  - g) Santa Fe County Public Schools
  - h) Santa Fe County Affordable Housing
  - i) Santa Fe County Planning
  - j) State Historic Preservation Organization (SHPO)
  - k) State Department of Transportation (NMDOT)
  - l) New Mexico Environment Department (NMED)
  - m) Office of the State Engineer (OSE)
  - n) Soil and Water Conservation District
  - o) City of Santa Fe (Airport)
- 6) The Preliminary Plat and Development Plan submittal for Phase I shall include:
  - a) An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to the completion of the Rail Runner Express.
  - b) A public parking area (Trailhead) adjacent to the trail.
  - c) Proof of discharge permit submittal with NMED.
  - d) Geotechnical (soils) report.
- 7) The trail along the access road shall be constructed in Phase I, the park shall be platted in Phase I.
- 8) The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; these noise impacts might change over time by virtue of

greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, and the grantors or user's own personal perceptions of the noise exposure could change and his or her sensitivity to aircraft noise could increase.

- 9) Master Plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Art. V, Sec. 5.2.7 of the Code. As noted in Art. V, Sec. 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the County Development Review Committee and the BCC.
- 10) The approved Master Plan must be recorded in the County Clerk's Office as required by Art. V, Sec. 5.2.5 of the Land Use Code.
- 11) Provide lot for future fire sub-station as previously proposed by Applicant and recommended by County Fire Dept.

WHEREFORE, the BCC hereby concludes that the application conforms to the Code (as amended), the Growth Management Plan (County General Plan) and the La Cienega/La Cieneguilla Community Plan. The application for approval of the Master Plan shall be and hereby is approved.

IT IS SO ORDERED.

This Order was approved by the Board of County Commissioners on this 10<sup>th</sup> day of March, 2009.

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE, NEW MEXICO

*Mike Anaya*, Acting 3/10/09  
Mike Anaya, Chair

ATTEST:

*Valerie Espinoza* 3/10/09  
Valerie Espinoza  
County Clerk



Approved as to form:

*Stephen C. Ross*  
Stephen C. Ross  
County Attorney

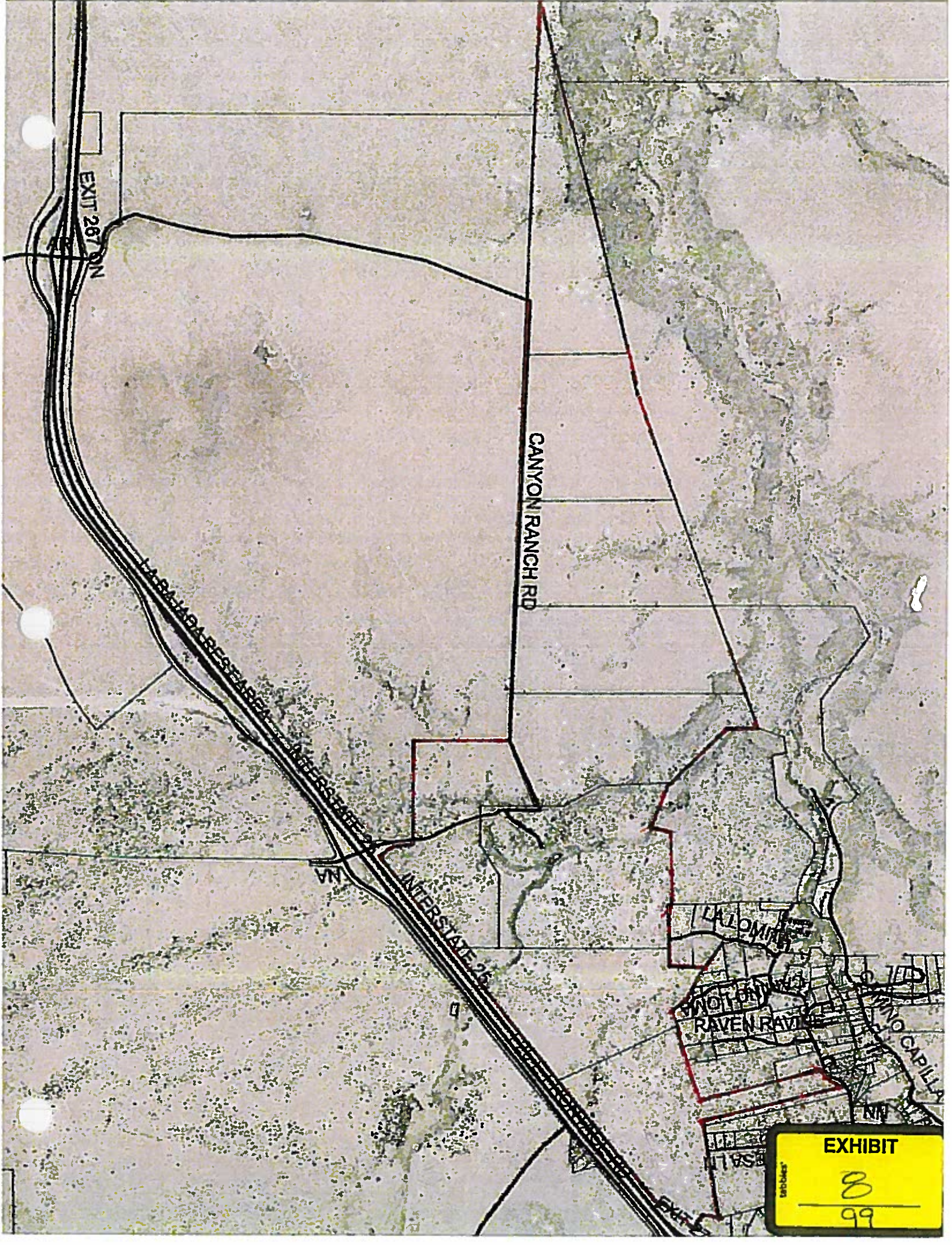
COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDER  
PAGES: 72

I Hereby Certify That This Instrument Was Filed for  
Record On The 11TH Day Of March, 2009 at 11:08:41 AM  
And Was Duly Recorded as Instrument # 1555170  
Of The Records Of Santa Fe County

*Valerie Espinoza*  
Deputy County Clerk, Santa Fe NM





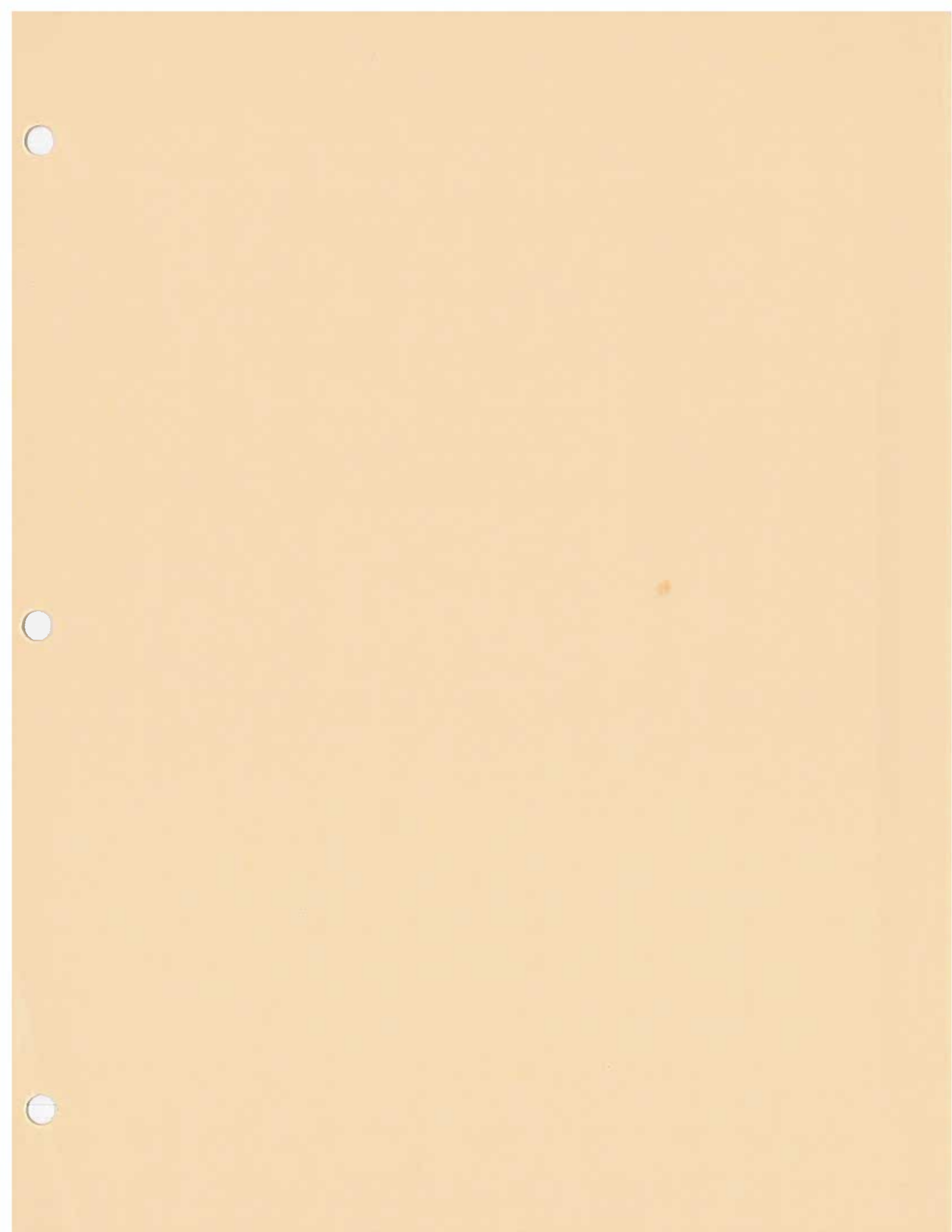
EXHIBIT

8

99









**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** September 10, 2013

**TO:** Board of County Commissioners

**FROM:** Vicente Archuleta, Development Review Team Leader *VA*

**VIA:** Penny Ellis-Green, Land Use Administrator *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.:** BCC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment

**ISSUE:**

Santa Fe County, Applicant, requests a Master Plan Amendment for a previously approved Master Plan (Santa Fe Canyon Ranch) to amend the water supply plan and to provide consistency with the current property owner boundaries. The amended Master Plan will allow for 156 residential lots on the 470.55 acres that the County of Santa Fe now owns. The amended Master Plan will utilize the Santa Fe County Water Utility (instead of the previously proposed new on-site community water system).

The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

**Vicinity Map:**



Site Location



## **SUMMARY:**

On July 18, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval with conditions imposed. (Refer to July 18, 2013 CDRC Meeting Minutes as Exhibit "10").

On June 20, 2013, the CDRC met and acted on this case. The decision of the CDRC was table to allow the Applicant to address concerns brought forth by the community (Refer to June 20, 2013 CDRC Meeting Minutes as Exhibit "9").

The Applicant held a community meeting on July 16, 2013.

On September 30, 2008, the Board of County Commissioners (BCC) granted Master Plan approval for a residential subdivision consisting of 162 lots (174) residential units on 1,316 acres to be developed in 3 phases. At the time of approval the Applicant proposed to construct a new on-site community water system.

Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316 acres (Santa Fe Canyon Ranch). The property is made up of three Tracts which consist of Tract G (188.70 acres), Tract H (141.47 acres) and Tract I (140.38 acres) now known as La Bajada Ranch.

The Applicant is now requesting a Master Plan Amendment to allow the existing Master Plan to include only the property owned by Santa Fe County (470.55 acres) which contained 156 proposed residential lots. This request also includes changing the source of water in the water supply plan to the Santa Fe County Water Utility. The Santa Fe County water will provide a more reliable and sustainable source of water for domestic and fire protection purposes.

Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Steering Committee, established by Resolution No. 2012-106 (attached as Exhibit 5). The committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres. The Steering Committee has only had two meetings and it is not thought that there will be time for them to bring forward recommendations to the Board of County Commissioners prior to the master plan expiring. Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

There is no other change to the approved master plan, the original BCC report is attached as Exhibit 4.

**This Application was submitted on May 7, 2013.**

**Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for this type of request.**

**APPROVAL SOUGHT:** Master Plan Amendment to amend the water supply plan to provide consistency with the current property owner boundaries.

**GROWTH MANAGEMENT AREA:** El Centro, SDA-2

**STAFF RECOMMENDATION:** Approval of the Master Plan Amendment to amend the water supply plan to provide consistency with the current property owner boundaries.

The decision of the CDRC was to recommend approval of the Applicant's request with the following conditions:

1. All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case #MP/S 06-5212 shall remain in full force and in effect.
2. This application only changes the source of water to be provided to the Master Planned Development under the Order in LCDRC Case #MP/S 06-5212 to the County water system to water supplied from the Rio Grande River through the Buckman Direct Diversion.
3. No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may occur only through a further application to amend the Master Plan or an application for Preliminary Plat approval.

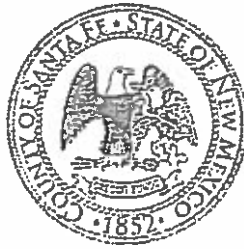
**EXHIBITS:**

1. Letter of Request
2. Existing Master Plan
3. Santa Fe County Plat
4. September 9, 2008 BCC Report
5. March 10, 2009 Santa Fe Canyon Ranch Findings of Facts
6. Resolution No. 2012-106 (La Bajada Steering Committee)
7. Timeline of Events
8. Letter of Opposition
9. June 20, 2013 CDRC Meeting Minutes
10. July 18, 2013 CDRC Meeting Minutes

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

May 23, 2013

Penny Ellis-Green  
Growth Management Department  
Santa Fe County  
PO Box 276  
Santa Fe, NM 87501

Re: La Bajada Ranch Master Plan Amendment (previously known as the Santa Fe Canyon Ranch Master Plan)

Dear Ms. Ellis-Green;

This is a request for an amendment of the La Bajada Ranch Master plan, previously known as the Santa Fe Canyon Ranch Master Plan.

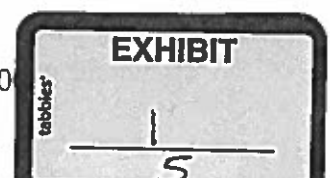
The master plan was approved by the BCC on September 9, 2008.

The original master plan covered an area of 1316 acres; Santa Fe County subsequently purchased a portion of the property (470.55 acres) which contained 156 proposed residential lots.

Santa Fe County wishes to amend the existing master plan to include only the property owned by Santa Fe County and to change the source of water in the water supply plan to the Santa Fe County Water Utility.

It was proposed in the original master plan that the water supply for the subdivision would be through a new community water system. The Santa Fe County water system has been extended in this general area and provides a more reliable and sustainable source of water for domestic purposes and fire protection purposes.

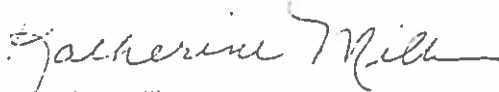
Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Ranch steering committee, established by Resolution No. 2012 -106 (attached). The Committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres.



Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

Mark Hogan, Properties and Facilities director will act as the County liaison for this project, his number is 992-9852.

Sincerely

A handwritten signature in cursive script, appearing to read "Katherine Miller".

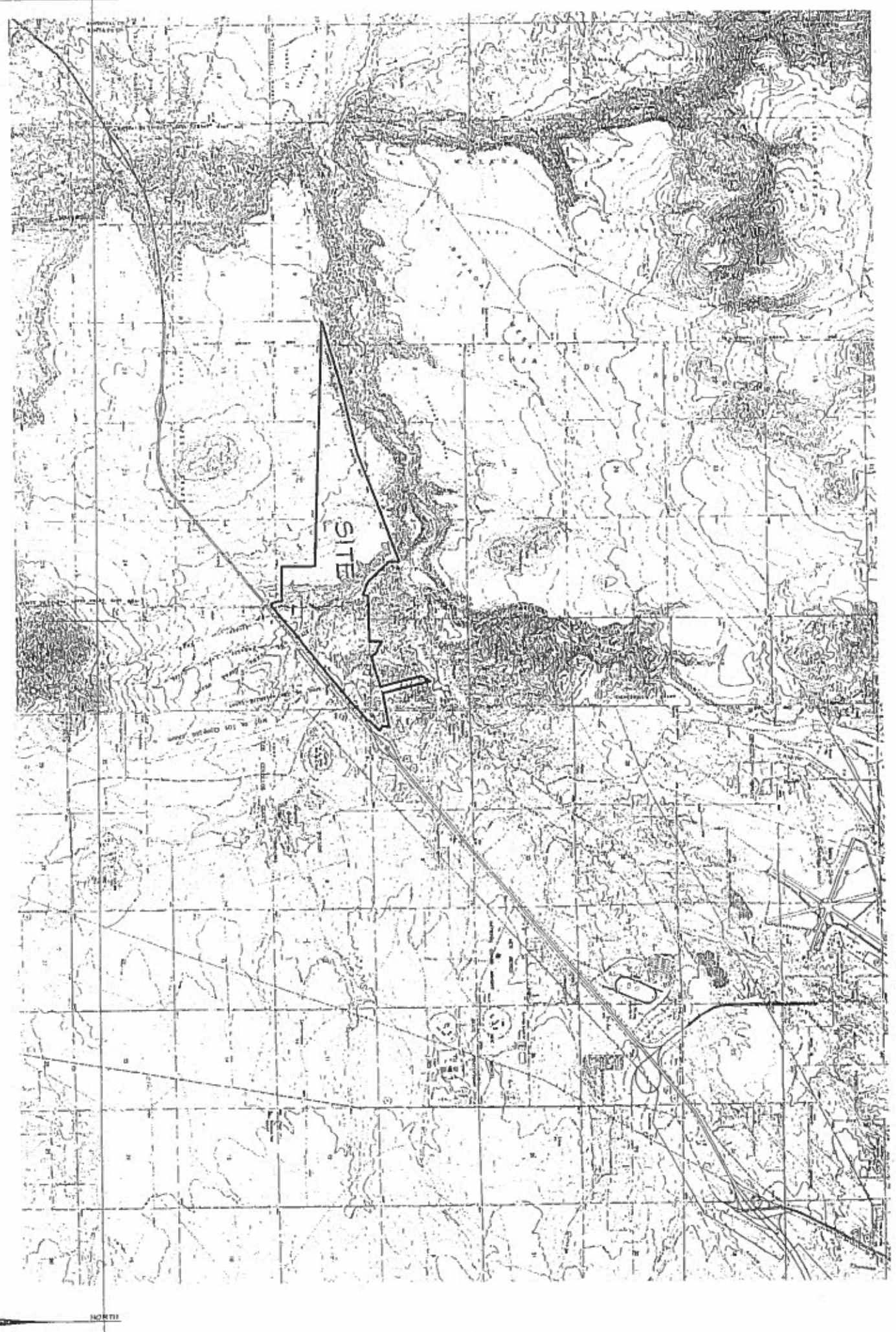
Katherine Miller  
Santa Fe County Manager

Santa Fe Canyon Ranch  
Revised Amended Master Plan

136.3 Ac +/-  
IN  
TOWNSHIP 15 NORTH, RANGE 7 EAST, SECTIONS 12, 10, 12 & 13,  
AND  
TOWNSHIP 15 NORTH, RANGE 8 EAST  
SECTIONS 5, 6, 7 & 8  
SANTA FE, NEW MEXICO

SHEET LIST

- 1 COVER SHEET
- 2 MASTER PLAN
- 3 BOUNDARY SURVEY
- 4 TOPOGRAPHY
- 5 SITE ANALYSIS PLAN
- 6 SLOPE ANALYSIS
- 7 SOILS MAP
- 8 CONCEPTUAL TERRAIN MANAGEMENT PLAN
- 9 CONCEPTUAL WATER SERVICE & FIRE PROTECTION PLAN
- 10 CONCEPTUAL LIQUID WASTE PLAN
- 11 CONCEPTUAL DRY UTILITY PLAN
- 12 CONCEPTUAL ROAD DESIGN
- 13 CONCEPTUAL OPEN SPACE PLAN
- 14 PHASING PLAN



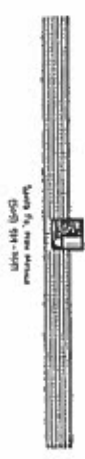
SCALE 1"=5000' FEET  
5000' 0 2500'

OWNER:

SANTA FE CANYON RANCH, LLC  
3056 AGUA FRIA STREET  
SANTA FE, NM 87507

ENGINEERING:

DESIGN ENGINEERING



SURVEYING:

DAVEYSON SURVEYS, INC.  
PROFESSIONAL LAND SURVEYORS  
SANTA FE, NM

PLANNER:

SCHULTZ AND COMPANY, INC.  
P.O. BOX 1072  
SANTA FE, NEW MEXICO 87504  
(505) 982-5258

DECEMBER 12, 2007

DATE	BY	REV

tabbles

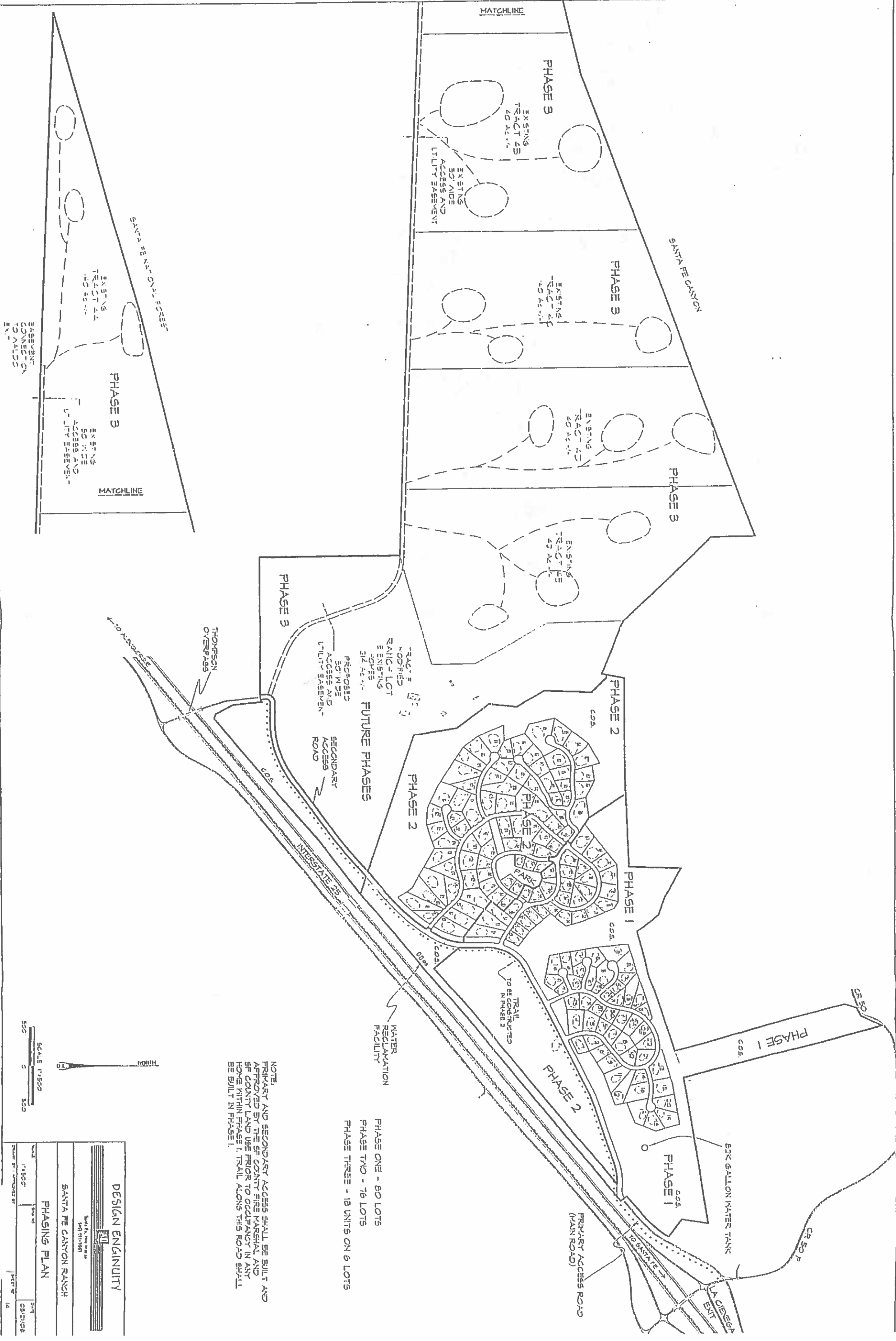
EXHIBIT

2

7



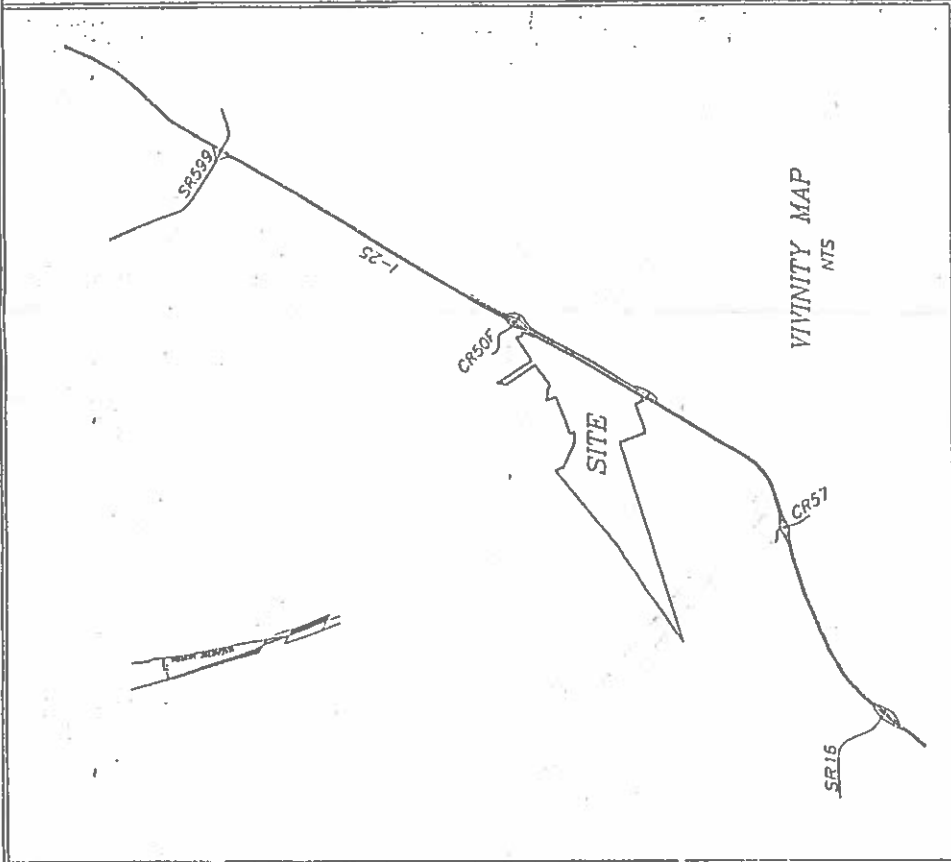




NOTE:  
PRIMARY AND SECONDARY ACCESS SHALL BE BUILT AND  
APPROVED BY THE SF COUNTY FIRE MARSHAL AND  
SF COUNTY LAND USE PRIOR TO OCCUPANCY IN ANY  
HOME WITHIN PHASE 1. TRAIL ALONG THIS ROAD SHALL  
BE BUILT IN PHASE 1.

PHASE ONE - 50 LOTS  
PHASE TWO - 76 LOTS  
PHASE THREE - 16 UNITS ON 6 LOTS

DESIGN ENGINEER	
SANTA FE CANYON RANCH	
PHASING PLAN	
DATE	1/15/02
BY	1/15/02
SCALE	1" = 500'
PROJECT	12



LEGEND:  
BOUNDARIES ARE IN STATE PLANE, CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.  
DISTANCES ARE GROUND, GROUND TO GRID SCALE FACTOR=0.999584  
ELEVATIONS ARE HYDRA.  
--- DENOTES BOUNDARY OF LANDS DEALT WITH BY THIS PLAT  
INFORMATION OUTSIDE OF THIS BOUNDARY IS BACKGROUND  
INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND IS NOT  
PART OF THIS PLAT.



SURVEYORS CERTIFICATE  
THIS MAP IS A TRUE REPRESENTATION OF A TOPOGRAPHIC  
SURVEY CONDUCTED FROM COUNTY WARREN SPOT CHECKED BY FIELD SURVEY  
COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 10th DAY OF JANUARY, 2004.  
TO THE BEST OF MY KNOWLEDGE, THE SURVEY AND MAP ARE CORRECT, TRUE AND  
MEET THE NATIONAL MAPPING STANDARDS.



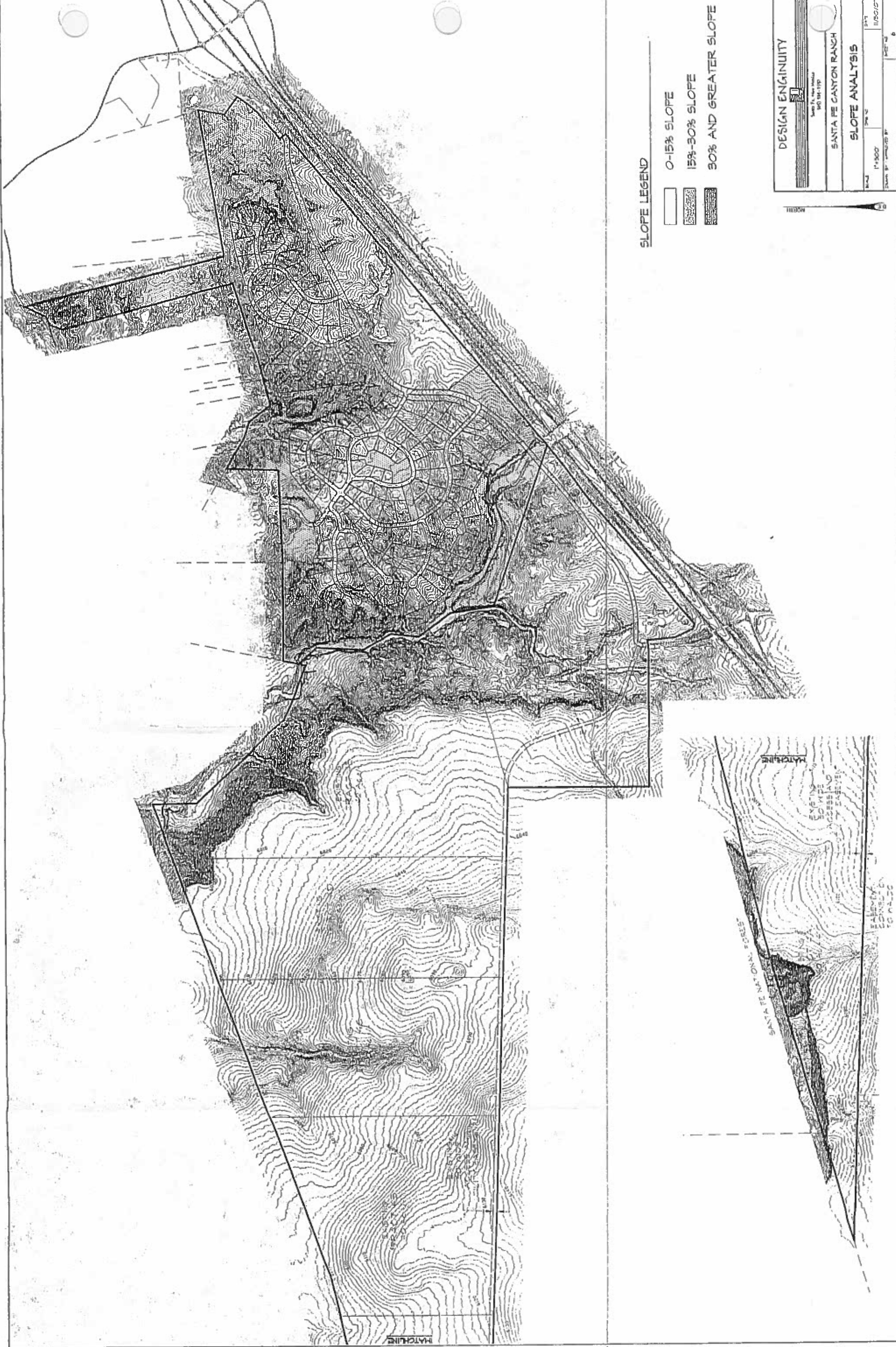
GARY E. DAWSON, N.M.P.L.S. 7014

DAWSON SURVEYS, INC.  
PROFESSIONAL LAND SURVEYORS  
1000 S. GARDEN DRIVE  
SANTA FE, N.M.  
DATE: 1-06-04











100 - PANOR LOAM - LOAM AND CLAY LOAM MODERATELY SLON PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, LOW RUNOFF, SHORTS OF ERODED PAN REMNANTS.

101 - EROSIONAL-ALBUSTA COMPLEX - GRAVELLY LOAM SAND, AND COARSE SAND, MODERATELY PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, LOW RUNOFF, SHOULDERS OF ERODED PAN REMNANTS.

102 - KALAB SANDY LOAM - SANDY LOAM, MODERATELY PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, MEDIUM RUNOFF, TOLERANCE OF ERODED PAN REMNANTS.

103 - ZEPOL SILT LOAM - SILT LOAM, MODERATELY PERMEABILITY, MODERATE SHRIK SWELL, POTENTIAL, LOW RUNOFF, NARROW FLOOD PLAINS.

104 - CALAB-QUINCY COMPLEX - GRAVELLY COARSE SAND, MODERATELY PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, VERY LOW RUNOFF, FLOOD PLAINS.

105 - PITH - HIGH GRON OR BAKTER FILL, MODERATELY PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, VERY LOW RUNOFF.

106 - TETILLA LOAM - LOAM AND CLAY LOAM, MODERATELY SLON PERMEABILITY, MODERATE SHRIK SWELL, POTENTIAL, LOW RUNOFF, TREAD PAN TERRACE.

110 - CALABASAS LOAM - LOAM AND CLAY LOAM, MODERATELY PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, LOW RUNOFF, SHORTS OF LA CALABASAS.

111 - ALMA TRIUMPH COMPLEX - GRAVELLY SANDY LOAM AND GRAVELLY COARSE SAND, MODERATELY SLON PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, MEDIUM RUNOFF, SHORTS OF ERODED PAN REMNANTS.

112 - BOLTON-ALMA COMPLEX - VERY GRAVELLY COARSE SANDY LOAM AND GRAVELLY LOAM, COARSE SAND, MODERATELY PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, MEDIUM TO HIGH RUNOFF, SHOULDERS AND SHOULDERS OF ERODED PAN REMNANTS.

113 - CLYMAH-ALMA COMPLEX - VERY GRAVELLY COARSE SAND, RAINY PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, NEGLIGIBLE RUNOFF, INTERMITTENT STREAM ON FLOOD PLAINS.

115 - TINKAT GRAVELLY LOAM - GRAVELLY OR CLAY LOAM OVER BEDROCK AT 24 TO 24 INCHES, VERY SLON PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, LOW RUNOFF, SHOULDERS OF ERODED PAN REMNANTS.

116 - CALIFORNIA VERT CALAB SANDY LOAM - COARSELY LOAM OVER BEDROCK AT 20 TO 24 INCHES, MODERATELY SLON PERMEABILITY, LOW SHRIK SWELL, POTENTIAL, MEDIUM RUNOFF, SHOULDERS OF ERODED PAN REMNANTS.

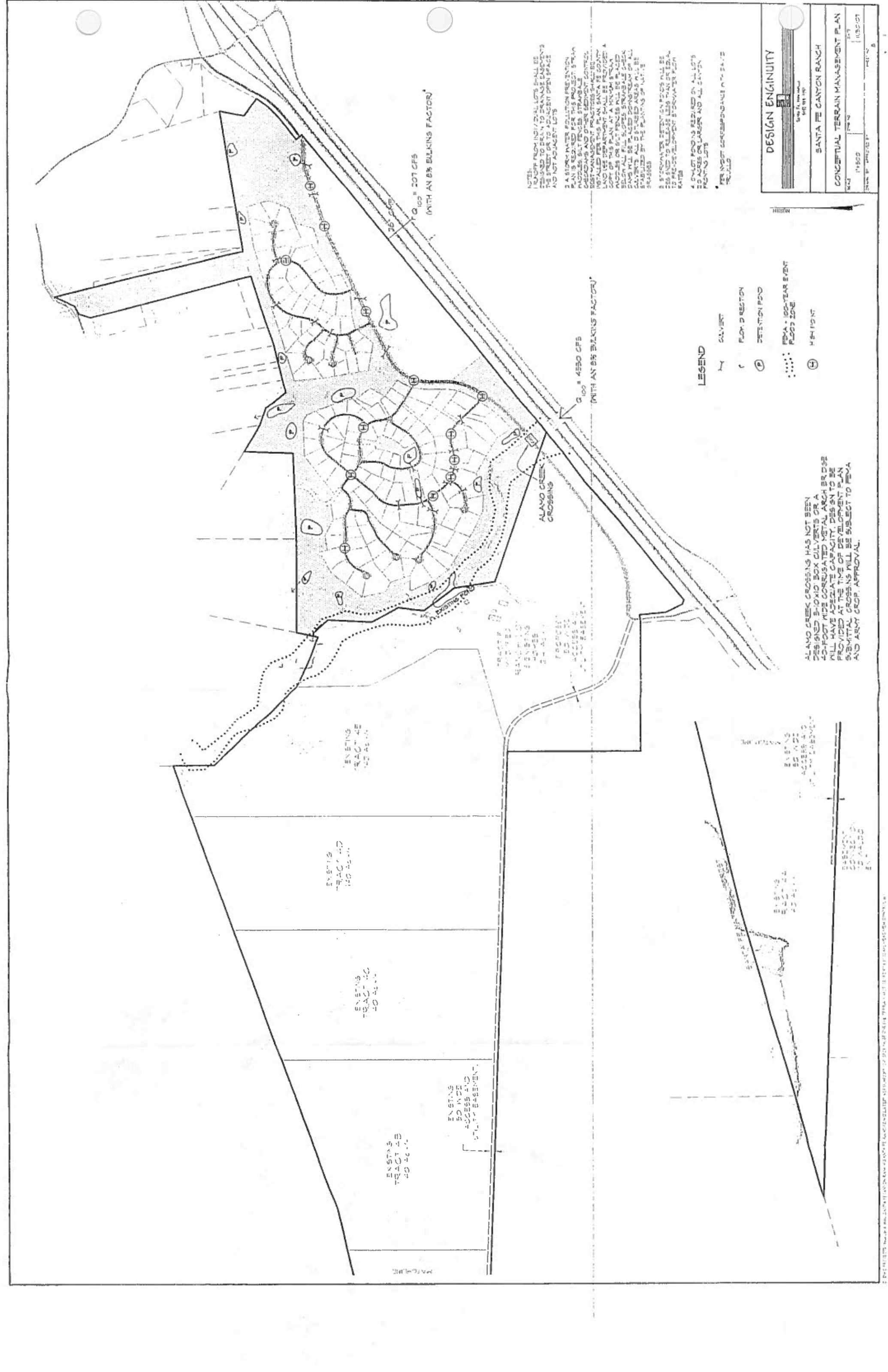
118 - ANDAMODA VERT GRAVELLY LOAM - GRAVELLY LOAM OVER BEDROCK AT 2 TO 10 INCHES, MODERATE PERMEABILITY, MODERATE SHRIK SWELL, POTENTIAL, VERY HIGH RUNOFF, SHOULDERS OF ERODED PAN REMNANTS.

141 - TREDWILL-PRESTON-ALMA COMPLEX - VERY COARSELY LOAM AND SANDY LOAM, 10 PERCENT ROCK OUTCROP, MODERATE PERMEABILITY, MODERATE SHRIK SWELL, POTENTIAL, MEDIUM TO HIGH RUNOFF, SHOULDERS AND TOLERANCE OF ERODED PAN REMNANTS.

DESIGN ENGINEERING  
 SANTA FE CANYON RANCH  
 SOILS MAP  
 1" = 500'

## SOILS MAP

1850' 1130' 10'



NOTES:  
1. RAINFALL FROM INDIVIDUAL LOTS SHALL BE  
DESIGNED TO DRAIN TO DRAINAGE EASEMENTS  
THE STREET OR TO ADJACENT OPEN SPACE  
AND NOT ADJACENT LOTS  
2. A STORMWATER POLLUTION PREVENTION  
PLAN IS REQUIRED FOR THIS PROJECT. STORM  
WATER POLLUTION PREVENTION MEASURES  
INCLUDING BUT NOT LIMITED TO: STORM  
WATER POLLUTION PREVENTION CONTRACT,  
BEST MANAGEMENT PRACTICES SHALL BE  
INSTALLED FOR THIS PLAN. SANTA FE COUNTY  
LAWS AND ORDINANCES SHALL BE PRESENTED  
FOR THIS PLAN AT A MINIMUM STORM  
WATER POLLUTION PREVENTION PLAN  
SHALL BE PRESENTED FOR THIS PLAN.  
3. ALL LOTS SHALL BE PLACED DRAINAGE OR ALL  
CULVERTS. ALL DRAINAGE AREAS SHALL BE  
STABILIZED BY THE PLANNING OF NATIVE  
VEGETATION.  
4. STORMWATER DETENTION POND SHALL BE  
DESIGNED TO DETAIN STORMWATER TO  
REDUCE PEAK FLOW AND PREVENT FLOOD  
DAMAGE.  
5. CULVERT PONDING REQUIRED ON ALL LOTS  
20 ACRES OR LARGER AND ALL CANYON  
FRONTING LOTS  
6. PER NMDOT CORRESPONDENCE 17-24-12  
RE: 11-12

DESIGN ENGINEER	
SANTA FE CANYON RANCH	
CONCEPTUAL TERRAIN MANAGEMENT PLAN	
DATE	11/15/2017
BY	11/15/2017
SCALE	AS SHOWN

LEGEND  
X CULVERT  
C FLOW DIRECTION  
P DETENTION POND  
..... FEMA 100-YEAR EVENT FLOOD ZONE  
H HIGH POINT

ALAMO CREEK CROSSING HAS NOT BEEN  
DESIGNED 8'-10' BOX CULVERTS OR A  
42'-FOOT WIDE CORRUGATED METAL ARCH BRIDGE  
WILL HAVE ADEQUATE CAPACITY. DESIGN TO BE  
PROVIDED AT THE TIME OF DEVELOPMENT PLAN  
SUBMITTAL CROSSINGS WILL BE SUBJECT TO FEMA  
AND ARMY CORP. APPROVAL.

EXISTING  
TRACT 4B  
120 AC.

EXISTING  
TRACT 4C  
120 AC.

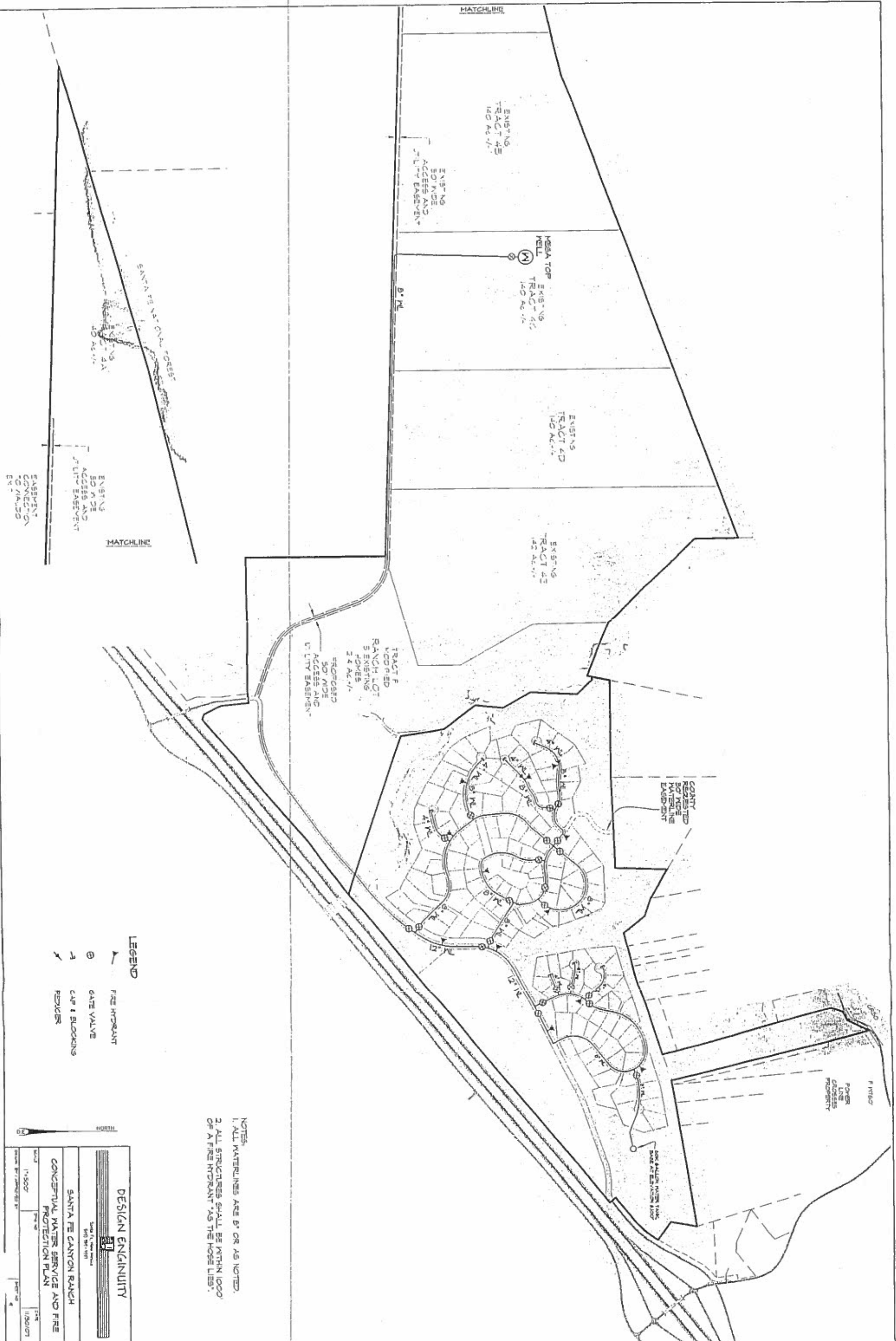
EXISTING  
TRACT 4E  
120 AC.

EXISTING  
ROAD  
ACCESS AND  
EASEMENT

EXISTING  
TRACT 4D  
120 AC.

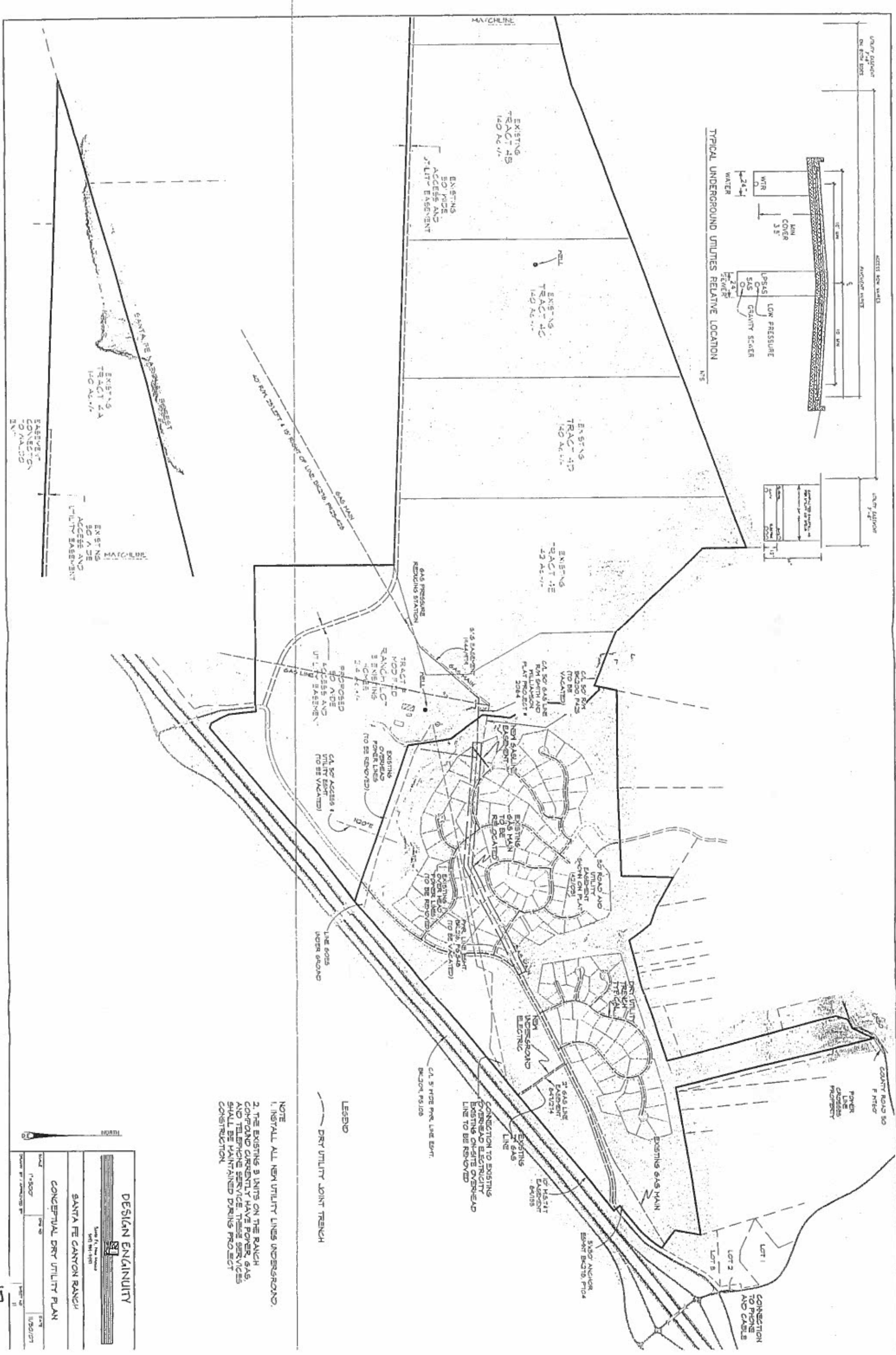
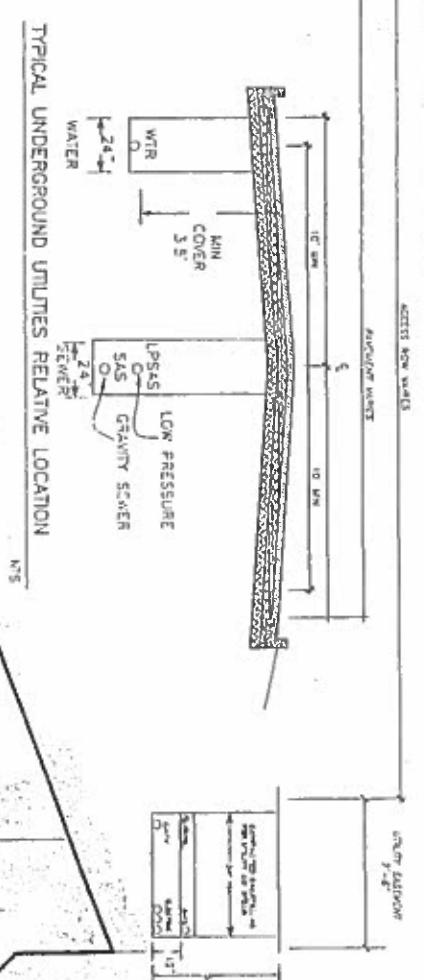
EXISTING  
TRACT 4F  
120 AC.











NOTE  
1. INSTALL ALL NEW UTILITY LINES UNDERGROUND.  
2. THE EXISTING 3 UNITS ON THE RANCH  
COMPAND CURRENTLY HAVE POWER, GAS,  
AND TELEPHONE SERVICE. THESE SERVICES  
SHALL BE MAINTAINED DURING PROJECT  
CONSTRUCTION.

LEGEND  
--- DRY UTILITY JOINT TRENCH

DESIGN ENGINEER

SANTA FE CANYON RANCH

CONCEPTUAL DRY UTILITY PLAN

SCALE

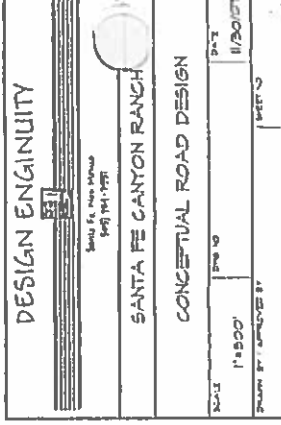
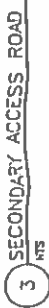
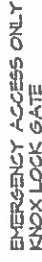
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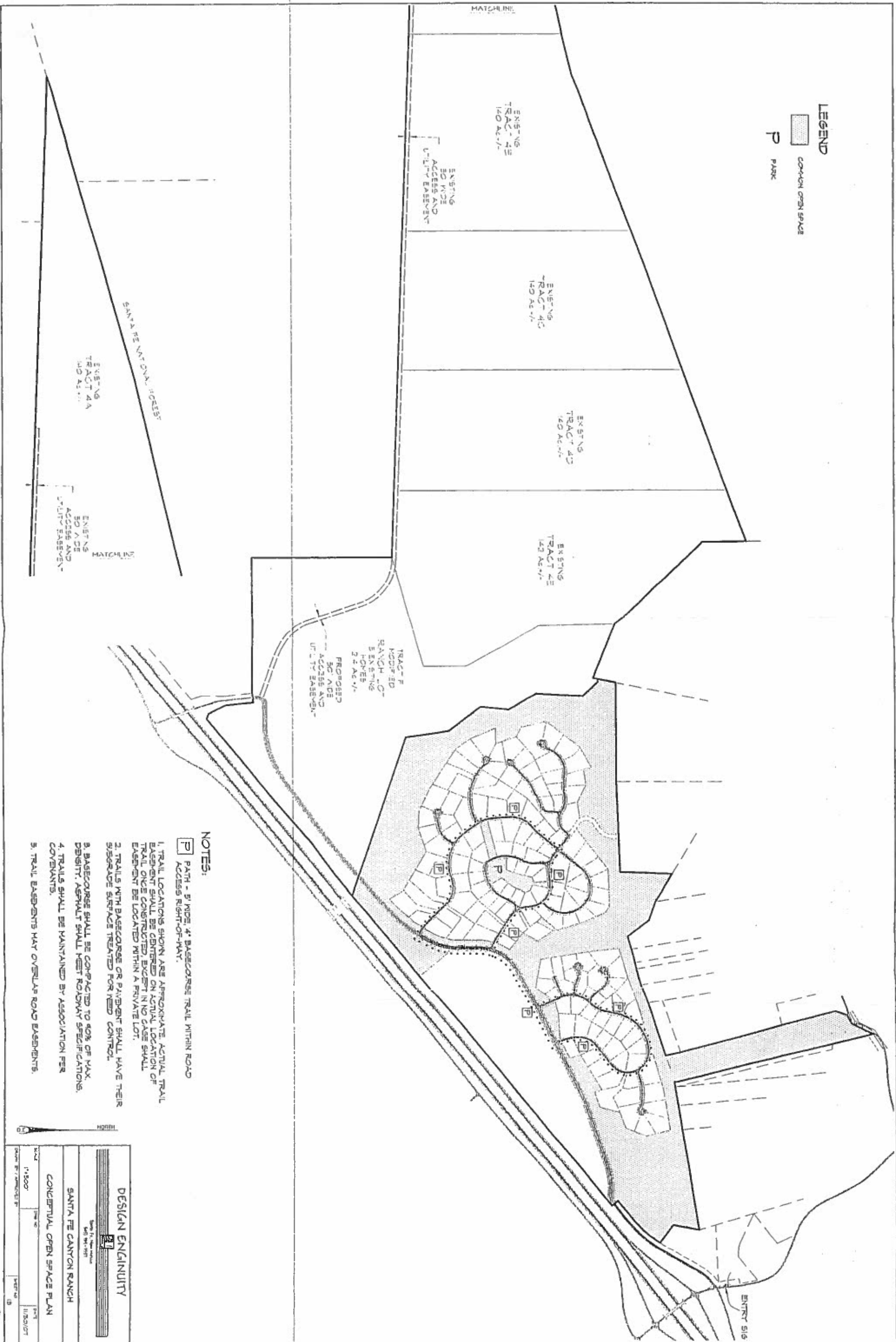
11/20/21

PROJECT NO.

11



LEGEND  
COMMON OPEN SPACE  
P PARK



NOTES:

- [P] PATH - 5' WIDE, 4' BASECOURSE TRAIL WITHIN ROAD ACCESS RIGHT-OF-WAY.
- 1. TRAIL LOCATIONS SHOWN ARE APPROXIMATE. ACTUAL TRAIL BASEMENT SHALL BE CENTERED ON ACTUAL LOCATION OF TRAIL ONCE CONSTRUCTED EXCEPT IN NO CASE SHALL EASEMENT BE LOCATED WITHIN A PRIVATE LOT.
- 2. TRAILS WITH BASECOURSE OR PAVEMENT SHALL HAVE THEIR SIDEWALK SURFACE TREATED FOR WEED CONTROL.
- 3. BASECOURSE SHALL BE COMPACTED TO 90% OF MAX. DENSITY. ASPHALT SHALL MEET ROADWAY SPECIFICATIONS.
- 4. TRAILS SHALL BE MAINTAINED BY ASSOCIATION PER COVENANTS.
- 5. TRAIL EASEMENTS MAY OVERLAP ROAD EASEMENTS.

DESIGN ENGINEER	
Santa Fe, New Mexico	
11/15/07	
SANTA FE CANYON RANCH	
CONCEPTUAL OPEN SPACE PLAN	
Scale: 1"=500'	Sheet: 1 of 1
Drawn: [Name]	Check: [Name]
Date: 11/15/07	19





## MEMORANDUM

**DATE:** September 9, 2008  
**TO:** Board Of County Commissioners  
**FROM:** Joe Catanach, Zoning Case Manager  
**VIA:** Jack Kolkmeier, Planning & Development Div. Director  
Penny Ellis-Green, Planning & Zoning Manager  
**FILE REF.:** LCDRC CASE # MP/S 06-5212 Santa Fe Canyon Ranch

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### ISSUE:

Santa Fe Canyon Ranch, LLC (David Schutz, Jim Borrego), Applicants, Rosanna Vasquez, Agent, request Master Plan approval for a residential subdivision consisting of 162 lots (174 total residential units) on 1,316 acres to be developed in 3 phases and identified as Santa Fe Canyon Ranch. As required in Article V, Section 8.2.1(d) (cul-de-sacs) of the Land Development Code a request is included for several cul-de-sacs to exceed 500' feet in length. The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

### SUMMARY:

On March 5, 2008 the LCDRC met and heard this case (Exhibit J). The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed. On July 2, 2008 the LCDRC continued the public hearing and the meeting concluded with a failed motion for a recommendation of approval with no subsequent action (refer to July 2008 LCDRC minutes attached as Exhibit K).

The site is located at I-25 and La Entrada, within the La Cienega and La Cieneguilla Traditional Historic Communities (Exhibit A). The Applicant is requesting Master Plan approval for a 162 lot, Type II subdivision (25-499 lots, with lots less than 10-acres in area) on 1316.13-acres.

Proposed lot sizes range from .30 to 214-acres. The majority of the proposed development is clustered in an area of approximately 400.2 acres. The remainder of the area (916-acres) on the northwesterly side of Alamo Creek, will consist of six large lots (140 to 214-acres) with 3 home sites proposed on each lot (18 total). No commercial development is proposed.

**EXHIBIT**

tabbles

4

Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

The total number of units proposed in the subdivision 174, comprised of 129 market rate units, and 45 affordable units, which incorporates a ratio of affordable to market rate units of 30% calculated from a base density of 151 lots.

The Application has been reviewed for compliance to Ordinance 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), the Santa Fe County Land Use Code (Ordinance 1996-10, as amended), Ordinance 2003-02 (Master Plan Procedures), Ordinance 2005-2 (Ordinance Amending 2003-2, and 1996-10, which specifies at what stage water rights are required), and Ordinance 2006-2 (Affordable Housing Ordinance) and the following briefly summarizes each portion of the review conducted by staff:

#### Existing Conditions

The proposed Santa Fe Canyon Ranch site is bounded on the north by sparse rural residential development, on the south by Interstate 25, on the east by La Entrada de Cienega and on the west by undeveloped Pueblo lands. The site is undisturbed piñon/juniper with sage understory, with primarily gentle slopes and is traversed by a perennial stream (Alamo Creek). Three residential units presently exist on the property.

The City of Santa Fe Airport Manager has reviewed and provided comment on this project due to the location of the property in line with their busiest runway. The Airport Manager requests a disclosure regarding noise impacts be placed on the Final Plat and included in the Subdivision Disclosure Statement (Refer to Condition 9 and Exhibit F for City comments regarding this issue).

#### Water Supply and Availability

A review of this project was conducted of the amended Master Plan, Geology and Water Availability Report, and supplemental water documentation for Phase I of this project.

The property is located in the La Cienega/La Cieneguilla Traditional Historic Communities and is subject to the Land Development Code requirements. The Applicant proposes to construct a new community water system. An 82,000 gallon water storage tank will be required for domestic and fire protection use in phase one.

The proposed water use for Phase I is 14.6 acre feet per year, the total water budget for full build out is 31.52 acre feet per year with a reserve of .80 acre feet per year for a total water budget of 32.32 acre feet per year. The Applicant's water budget estimates household use to be 0.18 acre feet per year which includes system loss. The Applicant submitted supporting data to demonstrate their ability to meet this restriction.

The applicant will submit a request to the BCC for water pursuant to the Affordable Housing Ordinance to serve the affordable units. However, the applicant owns sufficient water rights to



serve Phase I lots including the affordable units.

The Applicant's have met all the requirements for water of the Santa Fe County Land Use Development Code and subsequent ordinances for Phase I. The Applicant has demonstrated sufficient water availability for Phase I of this project but additional data and clarification is necessary for subsequent phases. The full water supply review is in Exhibit F.

### Density

The project contains 1316.13 acres to be developed with 174 dwelling units, resulting in a gross density of 1 residential unit per 7.56 acres. The project is divided into separate phases as follows:

Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

The proposed density meets the requirements of Ordinance 2002-09 (La Cienega/La Cieneguilla Community Ordinance) which allows a gross density of 2.5 acres if an adequate 100 year supply of water, and no impairment to neighboring wells is proven by an on-site geohydrological well test.

The Application states that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available subject to approval of a master plan amendment by the BCC.

### Phasing

Revisions to the Master Plan report (Exhibit C) indicates that Phase I will consist of 57 market rate units and 23 affordable units for a total of 80 units on 200 acres in the initial phase of development. Phase II will consist of 54 market rate units and 22 affordable units for a total of 76 units on 199 acres. Phase III consists of the six large tracts (Tracts 4A through 4F; 140 acres + each, total area 916 acres) containing three market rate units on each Tract (18 total). The report states that full buildout will occur after ten years.

### Affordable Housing

The proposed subdivision includes 45 affordable units as required by Ordinance 2006-02 (Affordable Housing). All affordable units are integrated in the first two phases of development, with no affordable units identified on the large estate lots that comprise Phase III of the development. Affordable units will be equally dispersed in the four income ranges (11.3 affordable in each income range). The Application has been forwarded to the County's Affordable Housing Administrator for review. The Affordable Housing Administrator states in correspondence dated 2/6/08, and again in reviewing resubmitted information in correspondence dated 5/7/2008 that the project is conceptually compliant with the County's affordable housing criteria (Exhibit F).

### Market Analysis

A preliminary Market and Fiscal Impact Analysis has been included with the Master Plan application as required by Article V, Section 5.2.2.g paragraphs (2) and (3) of the Land Development Code. These analyses were conducted in early 2006 and were based on construction of 420 residential units. The salability computations provided were based upon land sales vs. sale of finished homes, and pricing data was based upon conditions existing in the time period from 2002-2005. The submitted analysis does not accurately reflect a downturn in the housing market in Santa Fe County, but rather represents a strong real estate market and cites that Santa Fe is experiencing a "building boom" (page 9, Appendix J), and also states "The Santa Fe market for new homes and land has remained strong even in weaker economic times" (page 17, Appendix J). The Market Analysis indicates a 20-year sales period, inconsistent with other documentation provided which cites a four-year build-out. The Fiscal Analysis concludes that the development of Santa Fe Canyon Ranch will have a beneficial impact estimated to be \$51 million over a twenty year period. These analyses have been reviewed by the County's Economic Planner who has indicated significant updates will be required (Exhibit F).

### Access/Traffic Impact

A Traffic Impact Analysis has been included with the Master Plan application as required by Article V, Section 5.2.2.g paragraph (5) of the Land Development Code. The project proposes that the main subdivision access will be from La Entrada de Cienega, and secondary access will be provided through construction of a frontage road extension to the Thompson Overpass along the westerly side of Interstate 25 as part of Phase I. Emergency access previously proposed to serve the area through the subdivision from County Road 50 (via La Lomita) has been eliminated. The NMDOT requires construction of a right turn deceleration lane for southbound traffic on the E. Frontage Road to La Entrada for southbound traffic, and right turn deceleration lane for eastbound traffic on Entrada La Cienega on the southbound on-ramp to I-25 and a left turn deceleration lane for westbound traffic on Entrada La Cienega turning left into the SF Canyon Ranch entry. The NMDOT requires that design plans for these improvements are submitted for approval along with the Final Development Plan (Exhibit F).

Construction of the secondary access will require an engineered crossing of Alamo Creek which is a federally designated 100-year floodplain. The Applicant is proposing to utilize box culverts for this crossing. This design must be submitted to the Federal Emergency Management Agency for review prior to commencement of construction. A Section 404 permit will also be required, which will require the approval of the U.S. Army Corps of Engineers.

A request is included for several cul-de-sacs to exceed 500' feet in length. As outlined in Article V, Section 8.2.1(d) (cul-de-sacs) of the Land Development Code (Exhibit H) the LCDRC may consider this request for lengths over the permitted 500', if public safety factors can be met. Lengths requested range from 850' to 1000', with the remainder designed in compliance with Code criteria. Staff recommends that a looped road will be required for Phase III instead of a 3 mile long dead end cul-de-sac road.

The TIA has been submitted in accordance with the requirements of the Land Development Code, and this analysis indicates that surrounding roadways will not be adversely impacted by the construction of the subdivision. Morning and evening peak traffic hours have been summarized

and indicate that all surrounding roadways will operate at a Level of Service A or B. The TIA has been distributed for review by the New Mexico Department of Transportation, County Public Works and County Transportation Planning. (Exhibit F)

### **Liquid Waste Disposal**

Due to the lot sizes proposed, a community liquid waste system is required by Article V, Section 2 of the Land Development Code. The developer is proposing an on-site advanced wastewater treatment system. A Conceptual Liquid Waste Plan has been submitted which indicates that a water reclamation facility will be constructed and treated effluent will be discharged to Alamo Creek and return flow credits will be sought. A National Pollution Discharge Elimination System Permit (NPDES) permit, for point source discharge must be secured from the EPA prior to final approval of this proposed system. The Applicant has provided a Conceptual Dry Utility Plan which indicates that all new and existing power lines will be placed underground, that there is an existing gas main on the property which will be used.

The Application has been forwarded to the County Utility, the County Water Resources Specialist and the New Mexico Environment Department for review. (Exhibit F)

### **Environmental Impact**

A preliminary Environmental Assessment has been submitted as required by Article V, Section 5.2.2 paragraph (c) of the Land Development Code. This analysis indicates that federally endangered species (SW Willow Flycatcher) and federally threatened species (Mountain Plover) are/may be present on the subject property. Review comments from the New Mexico Department of Game and Fish dated March 2, 2006, has been included by the Applicant (Exhibit B, Appendix E). This correspondence recommends that the U.S Fish and Wildlife Service, Albuquerque office be contacted for comment. The Applicant forwarded the Environmental Assessment to the U.S. Fish and Wildlife Service on February 11, 2008, for comment, to date comments from this agency have not been received. Santa Fe County Planning staff have reviewed and provided comment regarding preservation of wildlife corridors and potential visual impacts (Exhibit F).

### **Stormwater and Terrain Management**

Sixteen on-site detention ponds are proposed to manage post-construction stormwater runoff. Maintenance of these ponds will be the responsibility of the Home Owner's Association. Placement of numerous culverts and conveyance facilities is indicated. The site is traversed by ephemeral streams which includes a federally designated floodplain. No encroachment may occur in the floodplain until it is demonstrated through detailed hydrologic and hydraulic analysis that the cumulative effect of the development, when combined with other anticipated development will not result in an increase of more than one foot to the elevation associated with the 1% recurrence interval storm event at any point in the community. The secondary access road needed for the development will cross this floodplain. A CLOMR will be required if this crossing increases the water surface elevation by more than one foot (1'), and following construction completion a LOMR will be required.

A conceptual Terrain Management Plan and a Slope Analysis have been submitted and this plan indicates that the majority of the project area is on slope of less than 15%. No disturbance of

slopes exceeding 30% will be allowed. The concepts as submitted are compliant with Article V, Section 5.2.2 (c) of the Land Development Code.

#### **Open Space**

The Master Plan indicates that 400 acres (32%) of the entire site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. Open space will include a community park with a playground and picnic facilities. Trails will be provided which loop through the subdivision. These trails will be open to the public. The application has been reviewed by County Open Space and Trails for compliance to Code (Exhibit F).

#### **Archaeological Impact**

A detailed Archaeology report is required per Article VI, Section 3 of the Code. The Application includes this information which identifies the presence of 54 archaeological sites, with 38 considered significant sites within the project area. The Application acknowledges that these sites must be protected pursuant to Code and in accordance with current local, state and federal law governing archaeologically significant sites. The report has been forwarded for comment to the New Mexico State Historic Preservation Office for review (Exhibit F).

#### **School Impact**

A School Impact Report has been prepared as required by Article V, Section 5.2.2(g) 7 of the Code. A school site has not been included in the subdivision. The Application indicates that meetings (correspondence dated 6/26/06) have been conducted with the Santa Fe Public Schools Superintendent (Exhibit F).

#### **REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of Staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

#### **RECOMMENDATION:**

Article V, Section 5.2.6 of the Land Development Code states "Approval of the Master Plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time". Ordinance 2003-2, Section 5.2.4 states "Master Plan Approval does not confer a vested development right to the applicant or future assignee, given that said approval is solely predicated on a preliminary determination with respect to viability and conceptual integrity".

The proposed Master Plan shall be considered based on the following criteria:

- Conformance to the County Growth Management Plan and La Cienega/La Cieneguilla Community Plan.
- Suitability of the site to accommodate the proposed development.
- Suitability of the proposed uses and intensity of development at the location.
- Impact to schools, adjacent lands or the County in general.

- Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed.
- Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

The proposed Master Plan is in accordance with applicable plans and ordinances for La Cienega and the County, staff recommends master plan approval and approval for the lengths of the cul-de-sacs subject to the following conditions:

- 1) A looped road shall be constructed in Phase III to eliminate the proposed dead end cul-de-sac.
- 2) In the event the riparian restoration project will cause an increased depletion on the stream system the applicant shall acquire or retire water rights to satisfy this depletion.
- 3) The applicant shall demonstrate return-flow as required by the OSE prior to final approval of phase II or the applicant will acquire water rights to serve these phases.
- 4) Any increase in density will require a Master Plan amendment and platting approval by the BCC.
- 5) Compliance with comments and conditions presented by the following:
  - a) County Fire Marshal
  - b) County Utility
  - c) County Public Works
  - d) County Open Space and Trails
  - e) County Natural Resources Planning
  - f) County Transportation Planner
  - g) Santa Fe County Public Schools
  - h) Santa Fe County Affordable Housing
  - i) Santa Fe County Planning
  - j) State Historic Preservation Organization (SHPO)
  - k) State Department of Transportation (NMDOT)
  - l) New Mexico Environment Department (NMED)
  - m) Office of the State Engineer (OSE)
  - n) Soil and Water Conservation District
  - o) City of Santa Fe (Airport)
- 6) The Preliminary Plat and Development Plan submittal for phase one shall include:
  - a) An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to the completion of the Rail Runner Express.
  - b) A public parking area (Trailhead) adjacent to the trail.
  - c) Proof of discharge permit submittal with NMED.
  - d) Geotechnical (soils) report.
- 7) The trail along the access road shall be constructed in Phase I, the park shall be platted in Phase I.
- 8) The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its

intended use; these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, and the grantors or user's own personal perceptions of the noise exposure could change and his or her sensitivity to aircraft noise could increase.

- 9) Master Plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Article V, Section 5.2.7 of the Santa Fe County Land Use Code. As noted in Article V, Section 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the La Cienega Development Review Committee (LCDRC) and the BCC.
- 10) The approved Master Plan must be recorded in the County Clerk's Office as required by Article V, Section 5.2.5 of the Land Use Code.
- 11) Provide lot for future fire sub-station as previously proposed by applicant and recommended by County Fire Dept.

#### Exhibits

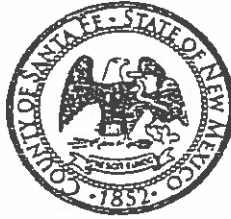
Exhibit A	Vicinity Map
Exhibit B	Master Plan Report
Exhibit C	Report Addendum
Exhibit D	Previous Master Plan
Exhibit E	Revised Master Plan Drawings
Exhibit F	Agency Response
Exhibit G	Community Meeting documentation
Exhibit H	Correspondence From Community Citizens
Exhibit I	March 2008 LCDRC Minutes
Exhibit J	July 2008 LCDRC Minutes



Harry B. Montoya  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Michael D. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Roman Abeyta  
County Manager

S F C C L E R K R E C O R D E D 0 3 / 1 1 / 2 0 0 9

LCDRC CASE # MP/S 06-5212  
*Santa Fe Canyon Ranch LLC*,  
David Schutz and Jim Borrego (Applicant)  
Rosanna C. Vazquez, (Agent)

### ORDER

**THIS MATTER** came before the Board of County Commissioners ("BCC") for a public hearing on September 9, 2008 and September 30, 2008, on an application by Santa Fe Canyon Ranch, LLC ("Applicant"). After conducting a public hearing on the request and having heard from the Applicant and adjacent neighbors (who opposed the application), the BCC hereby FINDS, as follows:

1. The Applicant requested Master Plan approval of a residential subdivision consisting of 162 lots (174 total residential units) on 1,316 acres to be developed in three phases. The subdivision is to be identified as "Santa Fe Canyon Ranch."

2. On March 5, 2008, the La Cienega Development Review Committee ("LCDRC") met and heard this case. The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed. On July 2, 2008, the LCDRC continued the public hearing. Testimony was taken by the public and the Applicant. The meeting concluded with a failed motion for approval. The failed motion is the equivalent of an affirmative motion to deny the application. *Dugger v. City of Santa Fe*, 114 N.M. 47, 834 P.2d 424, 429 (Ct. App. 1992).

3. The BCC conducted public hearings on the Application on September 9 and September 30, 2008. The BCC received a staff review of the Master Plan submittal.

4. During the two public hearings, the BCC heard testimony from staff, the agent for the Applicant and persons in support and in opposition of the Application. The testimony was captured verbatim in the minutes of the meetings during which the case was heard. The verbatim minutes of the public hearings are attached hereto.

5. The property in question is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3).

6. The proposed development is bounded on the north by sparse rural residential development, on the south by Interstate 25, on the east by La Entrada de Cienega and on the west by undeveloped lands owned by the Santo Domingo Pueblo. The site is undisturbed piñon/juniper with sage understory, with primarily gentle slopes and is traversed by a perennial stream (Alamo Creek). Three residential units presently exist on

the property.

7. The project contains 1,316.13 acres to be developed with 174 dwelling units, resulting in a gross density across the property of one residential unit per 7.56 acres. The project is divided into separate phases as follows:

Phase 1:	80 lots	200 acres	avg. density 1 d/u per 2.50 acres
Phase 2:	76 lots	199 acres	avg. density 1 d/u per 2.62 acres
Phase 3:	6 lots/3 units per lot	912 acres	avg. density 1 d/u per 50.66 acres

8. The proposed density does not exceed that permitted by Ordinance 2002-09 (La Cienega/La Cieneguilla Community Ordinance) which allows a gross density of one residential dwelling unit per 2.5 acres if an adequate 100 year supply of water is provided, and no impairment of neighboring wells is proven by an on-site geo hydrological well test.

9. The subdivision will include 129 market rate units and 45 affordable units, creating a ratio of affordable to market rate units of 30%. This complies with Ordinance No. 2006-02.

10. Lot sizes in the proposed development range from .30 to 214 acres. The majority of the proposed development is clustered in an area of approximately 400.2 acres. The remainder (916-acres) on the northwesterly side of Alamo Creek will consist of six large lots (140 to 214-acres) with three home sites proposed on each lot (18 total). No commercial development is proposed anywhere in the proposed development.

11. Revisions to the Master Plan report by the Applicant indicate that Phase I of the development will consist of 57 market rate units and 23 affordable units, for a total of 80 units on 200 acres. Phase II will consist of 54 market rate units and 22 affordable units for a total of 76 units on 199 acres. Phase III will consist of the six large tracts (Tracts 4A through 4F; 140 acres + each, total area 916 acres) containing three market rate units on each Tract (18 total). The report states that full build-out will occur after ten years.

12. The amended Master Plan, Geology and Water Availability Report, and supplemental water documentation for Phase I of this project were reviewed by County staff.

13. The Applicant proposes to construct a new community water system on the property. An 82,000 gallon water storage tank is proposed for domestic and fire protection use in Phase I of the development.

14. The Applicant's water budget estimates household use to be 0.18 acre feet per year, which includes some system loss. The proposed water use from the Applicant's proposed water budget for Phase I is 14.6 acre feet per year (80 units times 0.18 afy plus 0.20 to account for use at the waste water treatment plant). The proposed water use is slightly less than the water rights available, but the Applicant plans to submit a request to the BCC for water rights pursuant to Ordinance No. 2006-02 (the Affordable Housing Ordinance) to serve the affordable units. See paragraph 17, below. The Applicant has also submitted a slightly reduced water budget that justifies a water budget below 14.55 afy. The total water budget for full build-out of 174 residential units is 31.52 acre feet

31.52 acre feet per year, with a reserve of .80 acre feet per year, for a total water budget of 32.32 acre feet per year.

15. Ordinance No. 2005-02 requires that an application for approval of a Master Plan provide a detailed water supply plan for the first sustainable phase of the development. The Applicant is required to submit sufficient written documentation to demonstrate that water rights are available for the first sustainable phase of the development. Ordinance No. 2005-02 contemplates an inquiry into the physical availability of water and the availability of water rights to support physical water deliveries. The Applicant has demonstrated both.

16. The Applicant owns or has under contract water rights that permit consumption of 14.55 afy. The first phase will consist of 80 housing units on 80 lots and will require 14.6 afy. The Applicant has applied to the Office of the State Engineer for recognition of return flow credits that would increase the amount that could be consumed to 32.32 afy. If approved, the water rights owned or under contract to the Applicant would be sufficient to supply the needs of all phases of the development.

17. The Applicant plans to submit a request to the BCC for water rights pursuant to Ordinance No. 2006-02 (the Affordable Housing Ordinance) to serve the affordable units. Given the fact that Ordinance No. 2006-02 may, under certain defined circumstances set forth in the Ordinance, require the County to supply water rights to support the affordable units, the applicant appears to have adequate water rights to serve the entire proposed development if the pending application for recognition of return flows is approved by the Office of the State Engineer. The Applicant has adequate water rights to serve the first phase of 80 lots. Additional data and clarification will be needed to assess the availability of water to serve subsequent phases.

18. The Applicant has provided detailed hydro geologic data supporting the applicant's assertion that adequate physical water supplies exists in the wells on the property to serve the needs of the first phase s of the development and also demonstrates that physical or legal impairment of adjoining wells will not exist.

17. The Application states that the developer seeks to retain development rights on the Phase III lots for future subdividing when water becomes available, but agrees that the Applicant (or successor in interest) may exercise these retained development rights only after receiving approval of a Master Plan Amendment from the BCC. Any such application would of course have to comply with the Land Development Code then in effect, and this Order makes no assurances with respect to such future submission, including whether such submission will even be permitted under a future Land Development Code.

18. The proposed subdivision includes 45 affordable units as required by Ordinance 2006-02. All affordable units are integrated into the first two phases of development, with no affordable units identified on the large estate lots that comprise Phase III of the development. Affordable units will be equally dispersed in the four income ranges. The Application was forwarded to the County's Affordable Housing Administrator for review. The Affordable Housing Administrator stated in correspondence 2008 that the project is conceptually compliant with the County's affordable housing criteria.

19. A preliminary Market and Fiscal Impact Analysis has been included with the Master Plan application as required by Art. V, Sec. 5.2.2.g paragraphs (2) and (3) of the Code. These analyses were conducted in early 2006 and were based on construction of 420 residential units. The market analysis was based upon land sales as opposed to sale of finished homes, and the pricing data was based upon conditions existing in the time period from 2002-2005. The analysis does not accurately reflect the current down turn in the housing market in Santa Fe County. The analysis is representative of a strong real estate market, states that Santa Fe is experiencing a "building boom" and also states "The Santa Fe market for new homes and land has remained strong even in weaker economic times." The Market Analysis is based on a 20-year sales period. The Fiscal Analysis concludes that the development of the Applicant will have a beneficial impact estimated to be \$51 million over a twenty year period.

20. A Traffic Impact Analysis was provided with the Application as required by Art. V, Sec. 5.2.2.g paragraph (5) of the Code. The project proposes that the main access will be from La Entrada de Cienega, and secondary access will be provided through construction of a frontage road extension to the Thompson Overpass along the westerly side of Interstate 25 as part of Phase I. Emergency access previously proposed to serve the area through the subdivision from County Road 50 (via La Lomita) has been eliminated. The NMDOT requires construction of a right turn deceleration lane for southbound traffic on the East Frontage Road to La Entrada for southbound traffic, and a right turn deceleration lane for eastbound traffic on Entrada La Cienega on the southbound on-ramp to I-25 and a left turn deceleration lane for westbound traffic on Entrada La Cienega turning left into the SF Canyon Ranch entry. The New Mexico Department of Transportation requires that design plans for these improvements are submitted for approval along with the Final Development Plan.

21. Construction of secondary access will require an engineered crossing of Alamo Creek, which is a federally designated 100-year floodplain. The Applicant is proposing to utilize box culverts for this crossing. The design must be submitted to the Federal Emergency Management Agency for review prior to commencement of construction. A Section 404 permit will also be required, which will require the approval of the U.S. Army Corps of Engineers.

22. As required in Art. V, Sec. 8.2.1(d) (cul-de-sacs) of the Code, a request is included for several cul-de-sacs to exceed 500' feet in length. As outlined in that section, lengths over 500' may be permitted if public safety factors can be met. Cul-de-sac lengths requested range from 850 feet to 1,000 feet in length. A looped road may be required for Phase III instead of the proposed three mile long dead end cul-de-sac.

23. The Traffic Impact Analysis (TIA) has been submitted in accordance with the requirements of the Code, and this analysis indicates that surrounding roadways will not be adversely impacted by the subdivision. Morning and evening peak traffic hours have been summarized and indicate that all surrounding roadways will operate at a Level of Service A or B. The TIA was distributed for review by the New Mexico Department of Transportation, County Public Works and County Transportation Planning.

24. Due to the number of lots and the sizes of the lots, a community liquid waste system is required by Art. V, Sec. 2 of the Code. The Applicant has proposed an on-site advanced wastewater treatment system. A conceptual liquid waste plan has been submitted which indicates that a water reclamation facility will be constructed and treated

effluent will be discharged to Alamo Creek. A National Pollution Discharge Elimination System Permit (NPDES) for point source discharge must be secured from the Environmental Protection Agency prior to final approval of the development. The Applicant has provided a Conceptual Dry Utility Plan which indicates that all new and existing power lines will be placed underground, and that there is an existing gas main on the property.

25. A preliminary environmental assessment has been submitted as required by Art. V, Sec. 5.2.2(c) of the Code. This analysis indicates that federally endangered species (the southwest Willow Flycatcher) and a federally threatened species (the Mountain Plover) are/may be present on the subject property. Review comments from the New Mexico Department of Game and Fish dated March 2, 2006, have been received. The Department recommends that the U.S. Fish and Wildlife Service, Albuquerque office, be contacted for comment. The Applicant forwarded the environmental assessment to the U.S. Fish and Wildlife Service on February 11, 2008. To date comments from this agency have not been received. Santa Fe County planning staff have reviewed and provided comment regarding preservation of wildlife corridors and potential visual impacts.

26. Sixteen on-site detention ponds are proposed to manage post-construction storm water runoff. Maintenance of these ponds are proposed to be the responsibility of the Home Owner's Association.

27. Placement of numerous culverts and conveyance facilities is indicated on the drawings submitted with the application. The site is traversed by ephemeral streams and includes a federally designated floodplain. No encroachment may occur in the floodplain until it is demonstrated through detailed hydrologic and hydraulic analysis that the cumulative effect of the development, when combined with other anticipated development, will not result in an increase of more than one foot to the elevation associated with the 1% recurrence interval storm event. The secondary access road needed for the development will cross this floodplain. A CLOMR will be required if this crossing increases the water surface elevation by more than one foot (1'), and, following construction, completion a LOMR will be required.

28. A conceptual Terrain Management Plan and a Slope Analysis have been submitted and this plan indicates that the majority of the project area is on slope of less than 15%. No disturbance of slopes exceeding 30% will be allowed. The concepts as submitted are compliant with Art. V, Sec. 5.2.2 (c) of the Code.

29. The Master Plan indicates that 400 acres (32%) of the entire site will be dedicated as open space and may be dedicated to the Trust for Public Lands as a conservation easement. The open space will include a community park with a playground and picnic facilities. Trails will be provided which loop through the subdivision, and all trails will be open to the public.

30. A detailed archaeology report was submitted in compliance with Art. VI, Sec. 3 of the Code. The Application identifies the presence of 54 archaeological sites, with 38 considered significant sites. The Applicant acknowledges that these sites must be protected pursuant to the Code and in accordance with current local, state and federal law governing archaeologically significant sites.

31. A School Impact Report was prepared as required by proposed Art. V, Sec. 5.2.2(g) 7 of the Code. A school site has not been included in the subdivision. The Application indicates that meetings have been conducted with the Santa Fe Public Schools Superintendent.

32. The City of Santa Fe Airport Manager has reviewed and provided comment on this project due to the location of the property in line with the airport's busiest runway. The Airport Manager requested a disclosure regarding noise impacts be placed on the Final Plat and included in the Subdivision Disclosure Statement (Refer to Condition 9).

33. The Application was reviewed for compliance to Ordinance 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), the Code (Ordinance 1996-10, as amended), Ordinance 2003-02 (Master Plan Procedures), Ordinance 2005-2 (Ordinance Amending 2003-2, and 1996-10, which specifies at what stage water rights are required), and Ordinance 2006-2 (Affordable Housing Ordinance).

34. Under the Code, a master plan is in-part a planning document and in-part a development review document. The relevant planning documents include the County General Plan and the La Cienega and La Cieneguilla Traditional Community Plan. The proposed master plan also provides general information concerning the specific plans for the development of the property, which must be consistent with the planning documents described previously. See e.g. Art. V, Sec. 5.2.3. The planning documents, together with the proposed master plan, must provide a plan of development that will coordinate the myriad of factors and policies that are considered in the community development process. Dugger, citing 5 Patrick J. Rohan, Zoning and Land Use Controls § 37.01(1)(a)(1991). See also NMSA 1978, Section 3-19-9 (1965).

35. The Code provides that a "...master plan . . . is less detailed than a development plan. It provides a means for the [LCDRC] and the Board to review projects and the subdivider to obtain *concept approval* for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval." Art. V, Sec. 5.2.1(b) (emphasis added).

36. The criteria and requirements in the Code for master plan approval are: "(i) conformance to County and Extraterritorial Plan; (ii) suitability of the site to accommodate the proposed development; (iii) suitability of the proposed uses and intensity of development at the location; (iv) impact to schools, adjacent lands or the County in general; (v) viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed; and (vi) conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards." Art. V, Sec. 5.2.4(b) (Master Plan Approval).

37. The application: (i) conforms to the County General Plan and the La Cienega and La Cieneguilla Traditional Community Plan; (ii) the site is suitable to accommodate the proposed development; (iii) the proposed uses (residential) and intensity of use are suitable at the site; (iv) impacts to schools, adjacent lands and the County in general have been considered and can be mitigated; (v) subsequent phases of the project beyond the first phase are viable so long as the water issues discussed herein are addressed, and



Phase I of the project will viable on its own if the remainder of the project is not built;  
(vi) the application conforms to the Code as of the date of this Order.

38. Therefore, the application should be approved.

39. The approval of the application should be conditioned upon the following conditions, which the applicant has agreed to:

- 1) A looped road shall be constructed in Phase III to eliminate the proposed dead end cul-de-sac.
- 2) In the event the riparian restoration project will cause an increased depletion on the stream system the Applicant shall acquire or retire water rights to satisfy this depletion.
- 3) The Applicant shall demonstrate return-flow as required by the OSE prior to final approval of phase II or the Applicant will acquire water rights to serve these phases.
- 4) Any increase in density will require a Master Plan amendment and platting approval by the BCC.
- 5) Compliance with comments and conditions presented by the following:
  - a) County Fire Marshal
  - b) County Utility
  - c) County Public Works
  - d) County Open Space and Trails
  - e) County Natural Resources Planning
  - f) County Transportation Planner
  - g) Santa Fe County Public Schools
  - h) Santa Fe County Affordable Housing
  - i) Santa Fe County Planning
  - j) State Historic Preservation Organization (SHPO)
  - k) State Department of Transportation (NMDOT)
  - l) New Mexico Environment Department (NMED)
  - m) Office of the State Engineer (OSE)
  - n) Soil and Water Conservation District
  - o) City of Santa Fe (Airport)
- 6) The Preliminary Plat and Development Plan submittal for Phase I shall include:
  - a) An updated Market Analysis and Fiscal Impact report to reflect current market and economic conditions along with the potential economic impact related to the completion of the Rail Runner Express.
  - b) A public parking area (Trailhead) adjacent to the trail.
  - c) Proof of discharge permit submittal with NMED.
  - d) Geotechnical (soils) report.
- 7) The trail along the access road shall be constructed in Phase I, the park shall be platted in Phase I.
- 8) The disclosure statement shall include the following: The buyer shall be advised that the subject property is located in proximity to a noise-impacted area of the Santa Fe Airport. These present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; these noise impacts might change over time by virtue of

greater numbers of aircraft, louder aircraft, seasonal variations, and time of day variations; changes in airport and air traffic control operating procedures or in airport layout could result in increased noise impacts, and the grantors or user's own personal perceptions of the noise exposure could change and his or her sensitivity to aircraft noise could increase.

- 9) Master Plan approval is valid for a period of five years from the date of approval by the Board of County Commissioners (BCC) per Art. V, Sec. 5.2.7 of the Code. As noted in Art. V, Sec. 5.2.6, any substantial change in the approved Master Plan, including any increase in density, will require the approval of the County Development Review Committee and the BCC.
- 10) The approved Master Plan must be recorded in the County Clerk's Office as required by Art. V, Sec. 5.2.5 of the Land Use Code.
- 11) Provide lot for future fire sub-station as previously proposed by Applicant and recommended by County Fire Dept.

WHEREFORE, the BCC hereby concludes that the application conforms to the Code (as amended), the Growth Management Plan (County General Plan) and the La Cienega/La Cieneguilla Community Plan. The application for approval of the Master Plan shall be and hereby is approved.

IT IS SO ORDERED.

This Order was approved by the Board of County Commissioners on this 10<sup>th</sup> day of March, 2009.

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE, NEW MEXICO

*Mike Anaya*, Acting 3/10/09  
Mike Anaya, Chair

ATTEST:

*Valerie Espinoza* 3/10/09  
Valerie Espinoza  
County Clerk



Approved as to form:

*Stephen C. Ross*  
Stephen C. Ross  
County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDER  
PAGES: 72

I Hereby Certify That This Instrument Was Filed for Record On The 11TH Day Of March, 2009 at 11:08:41 AM And Was Duly Recorded as Instrument # 1555170 Of The Records Of Santa Fe County

*Valerie Espinoza*  
Deputy \_\_\_\_\_  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe NM

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2012- 106

A RESOLUTION  
ESTABLISHING A STEERING COMMITTEE FOR THE PURPOSE OF EVALUATING  
PROPOSED ALTERNATIVES TO THE SANTA FE BOARD OF COUNTY COMMISSIONERS  
FOR DEVELOPING LA BAJADA RANCH

WHEREAS, in November of 2009 Santa Fe County acquired 470.55 acres of former ranch land near the traditional community of La Cienega, south of the City of Santa for \$7 million;

WHEREAS, County staff changed the name of the property from Santa Fe Canyon Ranch to La Bajada Ranch in order to recognize the historical name given to the property and to distinguish the current planning effort from previous development plans;

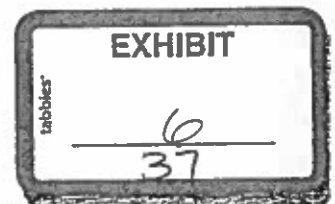
WHEREAS, at the time of the purchase, and since that time, the Board of County Commissioners (BCC) has directed staff to work with the community at La Cienega and the larger County constituency to plan for appropriate development of the property;

WHEREAS, County staff completed a land suitability analysis that determined which portions of the property are suitable for development and which portions should be reserved as conservation land;

WHEREAS, the County seeks to request proposals for projects for both those areas designated for development and those areas designated for conservation;

WHEREAS, the members of the Santa Fe County community at large possess expertise in various fields that will be critical in assisting the County to evaluate proposed development projects; and

WHEREAS, various experts have expressed a willingness to volunteer to help



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the County evaluate proposed projects for La Bajada Ranch.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS  
HEREBY RESOLVES AND PROCLAIMS AS FOLLOWS:**

1. The BCC hereby established the La Bajada Ranch Steering Committee (the Committee). The Committee shall be organized as set forth herein and shall have the authority and purpose as set forth herein.

2. The express purpose of the Committee is to evaluate and recommend to the Board of County Commissioners project alternatives for La Bajada Ranch. That evaluation and the recommendations will be developed to ensure the following:

- a. Land uses and development projects will be compatible with the land, will respect the surrounding communities and local agricultural practices, and will be sustainable.
- b. Development projects will strive to serve the diverse needs of greater Santa Fe County residents.
- c. Development standards will conform to the goals and strategies in the Sustainable Growth Management Plan (2010).
- d. Development projects will strive to maximize Santa Fe County's investment in the property while adhering to a strict set of development criteria.
- e. Development will conserve the unique cultural, agricultural, historical, and biological resources of the property.

3. The duties and responsibilities of the Committee are to:

- a. Solicit project proposals for implementation at La Bajada Ranch;
- b. Evaluate all project proposals submitted for the La Bajada Ranch;
- c. Provide a written report to the BCC in which the strengths and weaknesses of

each proposal are set forth and obstacles to accomplishing each proposal are identified. The report should also rank the projects according to an objective ranking system.

d. The following criteria shall be utilized to evaluate projects for those portions of the property designated by the County as the Ranch Compound and the

Conservation Property:

- i. Supports a community function for the greater county community;
- ii. Supports tourism;
- iii. Is self-supporting
- iv. Supports conservation of the natural environment;
- v. Helps interpret the pre-history and history of Santa Fe County for county residents and visitors.
- vi. Increases the conservation value of the property;
- vii. Provides a service for under-served or at risk populations;
- viii. Fills an economic development or social service niche for the County;
- ix. Provides a unique service to the county;
- x. Improves the quality of the environment and quality of life for neighboring communities.

e. The following criteria will guide the evaluation of projects for the portion of the property designated by the County as **Development Areas**:

- i. Is self-supporting;
- ii. Increases revenue for the County;
- iii. Provides a model for sustainable development
- iv. Provides a service for under-served or at risk populations;
- v. Avoids or mitigates negative impacts to the terrain, soils, and ecology of the property;
- vi. Is "sustainable" as defined in the SGMP;
- vii. Realizes a market need;
- viii. Fills an economic development or social service niche for the County;
- ix. Provides a unique service to the County;
- x. Makes strong economic sense and provides returns on the county's existing investment;
- xi. Provides a model for future development in other parts of the County;
- xii. Supports the long range economic development, tourism, or energy plans for the State of New Mexico;

- xiii. Fills a niche in the housing market;
- xiv. Improves the quality of the environment and quality of life for neighboring communities.

4. The Committee shall be made up of fourteen members, thirteen of whom are appointed by the BCC. Of the initial appointments, six shall serve for an initial two year term, and the remaining seven shall serve for an initial three year term. The County Commissioner from District 3 shall be the fourteenth member of the Committee. Members may be removed by the BCC with or without cause. All other members shall have expertise within one or more of the following areas:

- a. Community representation of La Cienega /La Cieneguilla;
- b. Commercial and residential development;
- c. The Santa Fe County housing market;
- d. Tribal representation;
- e. Development of educational programs;
- f. Green infrastructure;
- g. Renewable energy and energy conservation;
- h. Tourism/economic development;
- i. Water and ecology;
- j. A member of the Board of County Commissioners other than from District 3.
- k. A resident from each of the commission districts whose Commissioners are not on the Committee.

5. The Committee shall provide a preliminary written report and recommendation at a public meeting of the BCC within twelve months of the date of adoption of this Resolution. Additional assignments shall be accomplished by amendment to paragraphs 2 and 3 of this Resolution.



SFO CLERK RECEIVED 05/13/2012

6. The Committee shall meet as often as necessary to carry out their work, but not less than once per month. The meetings of the Committee shall be held in the Commission Chambers and such other locations as may be conducive to visible and publicly accessible meetings. Meetings shall be held in accordance with the County's Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County, and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners as well as the County's Resolution Establishing Rules of Order for Meetings of the Board of County Commissioners of Santa Fe County and for Certain Specified Committees.

7. All matters coming before the Committee shall be resolved by majority vote of the quorum.

8. The Steering Committee will be facilitated by staff from the Public Works Department, Projects, Facilities, and Open Space Division. The County Manager shall appoint a member of the County staff to serve as liason to the Committee. The liason shall be responsible for stenographic services during meetings. The liason shall ensure that packets are prepared for Committee members prior to each meeting, and that notices and agendas are created and posted in accordance with the County's Open Meetings Act Resolution.

PASSED, APPROVED, and ADOPTED this 28 day of August.  
2012.

Liz Stefamds  
Liz Stefamds, Chair

ATTEST:

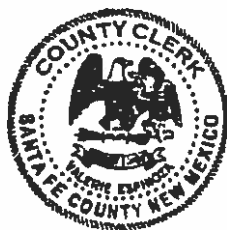
Valerie Espinoza 4 vt  
Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross  
Stephen C. Ross, Santa Fe County Attorney



CLERK RECORDED 09/13/2012



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 6

I Hereby Certify That This Instrument Was Filed for  
Record On The 13TH Day Of September, 2012 at 10:19:05 AM  
And Was Duly Recorded as Instrument # 1681275  
Of The Records Of Santa Fe County

Witness By Hand And Seal Of Office  
Valerie Espinoza  
Deputy Marcello County Clerk, Santa Fe, NM

## SANTA FE CANYON RANCH TIMELINE

June 22, 2005 – Warranty Deed transferred from Los Atrevidos Limited Partnership to Santa Fe Canyon Ranch LLC.

February 6, 2006 – 140 Ac. Exemption Plat for Santa Fe Canyon Ranch recorded showing division of Tract 4 into 9 Tracts

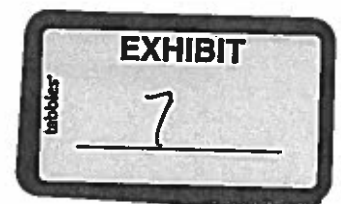
March 30, 2006 – Santa Fe Canyon Ranch holds a Community Meeting

March 5, 2008 – The La Cienega Development Review Committee (LCDRC) met and heard the case. The Applicant requested and was granted tabling of the case so that issues regarding water supply, phasing and other relevant issues could be addressed.

July 2, 2008 – The LCDRC continued the public hearing. The meeting concluded with a failed motion for approval.

September 9, 2008 – The BCC met and heard the case. The case was tabled.

September 30, 2008 – The BCC granted Master Plan approval for the residential subdivision consisting of 162 lots with 174 residential units on 1,316 acres to be developed in three phases.



**La Cienega Valley Association**  
PO Box 23947  
Santa Fe, New Mexico 87502  
**Preserving Our Rural Way of Life**

June 14, 2013

Katherine Miller, County Manager  
Santa Fe County  
102 Grant Avenue  
Santa Fe, New Mexico 87501

Dear Ms. Miller,

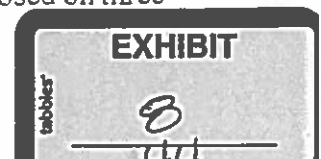
At their June meeting the La Cienega Valley Association Board (LCVA) expressed their disappointment in the manner in which Santa Fe County noticed its intent to amend the master plan for La Bajada Ranch. The LCVA actively supported the County's acquisition of the property and with an understanding of our community ordinances, encouraged County staff to purchase the water rights associated with the approved development.

Over the last five years we have been consistently clear on our commitment of working with the County to create a plan for La Bajada Ranch that appreciates the history and traditions of our community and would allow Santa Fe County to receive a return on its investment. The LCVA appreciated and supported the creation of the La Bajada Ranch Steering Committee and has attended all of the Steering Committee meetings.

In response to the LCVA's and our community's sustained commitment to support Santa Fe County in planning for La Bajada Ranch we learned of the County's decision to amend the master plan for La Bajada Ranch by reading the legal classified section in the New Mexican. This limited method of notice was confirmed by the statement of the Growth Management Department Director Penny Ellis in stating in a New Mexican article "it was all that was legally required".

This statement coupled with the fact that the proposed amendment includes the County's plan to extend the County water system to La Bajada Ranch has caused a strong reaction from residents in our community. This is especially true for our acequias and other residents concerned about the County's inability to enforce the La Cienega Watershed Conditions. As a result the LCVA has been forced into the position of reacting to the proposed master plan amendment rather than being part of a County-community collaboration that would have been able to bring the issue before our community for input and comment.

The LCVA is an established community association with a twenty year history. We have been involved with the Santa Fe Canyon Ranch – La Bajada Ranch development for over eight years and feel our community deserved better notice of the proposed amendment of the master plan. The extension of the County water system is something the LCVA successfully opposed on three



occasions and on its face is controversial. In addition this action challenges a community specific ordinance that limited the size of Santa Fe Canyon Ranch based on its on-site water rights.

The Growth Management Director was correct; the County met all its legal requirements for notification of the proposed amending of the master plan for La Bajada Ranch. But the LCVA would hope that the County would feel an obligation to involve communities, throughout Santa Fe County, when taking an action that has such community impact. The failure to involve our community in this decision is a missed opportunity.

Please let the LCVA know if this is what our community should expect in future dealings with Santa Fe County. Given the number of issues faced by our community it is essential that the LVCA understand its relationship with County. This experience appears to mean that the LCVA and other like community organizations should not expect any pro-active communication with County staff but should instead increase its vigilance of County activity and to have someone check the legal classified section of the newspaper on a regular basis.

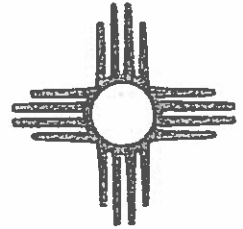
Thank you.

Carl Dickens, President  
La Cienega Valley Association

CC: Santa Fe County Commission  
Steve Ross, County Attorney  
Adam Leigland, Director, Public Works Department

*Ruel H. & Pamela F. Troups*

36 Raven Ravine ✦ Santa Fe, NM 87507 ✦ Phone: (504) 382-6440  
Email: troupsra@gmail.com & Email: pftroups@gmail.com



July 18, 2013

Santa Fe County Development Review Committee  
County Commission Chambers  
County Administration Building  
Santa Fe, NM

Re: CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment

Dear Committee Members:

This letter is in response to the proposed Amendment to the La Bajada Ranch Master Plan. We own an adjacent property located at 36 Raven Ravine, off Paseo C De Baca (CR 50), in La Cienega. Our property abuts the area identified as "Phase One" in the December 19, 2007 Santa Fe Canyon Ranch Revised Amended Master Plan ([www.santafecountynm.gov/userfiles/LaBajadaRevisedAmendedMasterPlan.pdf](http://www.santafecountynm.gov/userfiles/LaBajadaRevisedAmendedMasterPlan.pdf)).

We were attracted to the La Cienega community because of its rural character and larger lot sizes. When we purchased our property in 2012 it was our understanding, after asking our agent from Sotheby's, that the land surrounding our property would not be developed in the future. We believed that the land we now know as the La Bajada Ranch property was held "in Trust" since the prior owner/seller — who resided at this location for 32 years — made no disclosure that an existing development agreement, Master Plan, or other legal entitlements for the future subdivision had previously been approved. Being new to the area, we were unaware of the history of the Santa Fe Canyon Ranch Project and the County's purchase of that land in 2009. When we had the land Surveyed, we discovered a utility easement that cut directly across the property, but that easement was removed without issue when the seller petitioned the County to remove the easement as a condition of the purchase agreement. The Surveyor's map that accompanied our title documents indicated the adjacent property was owned by "Santa Fe County", a fact that solidified our belief that we had bought a property that would be surrounded by open space.

In early June, we received notification both by letter and by Public Notice concerning the hearing of the proposed Master Plan Amendment. This was the first time we heard of this Project. We attended the June 20, 2013 CDRC meeting to become better informed. We have since learned from our neighbors and fellow members of the La Cienega Village Association about the project's history, the County's controversial purchase of the 470.55 acre La Bajada Ranch property ([www.santafecountynm.gov/documents/ordinances/2009-182.pdf](http://www.santafecountynm.gov/documents/ordinances/2009-182.pdf)), and the 2010 La Cienega Land Use Survey ([www.santafecountynm.gov/userfiles/SantaFeCanyonRanchSurvey11302010.pdf](http://www.santafecountynm.gov/userfiles/SantaFeCanyonRanchSurvey11302010.pdf)). We were pleased by the survey results, which overwhelmingly express the La Cienega residents' and greater Santa Fe area residents' desire to keep this land preserved in perpetuity from future development and to instead develop it minimally for public and recreational uses only (e.g., hiking, biking, horse trails).




We purchased our property because of its unobstructed panoramic views, rural setting with numerous fruit trees and productive aquifer. We would not have purchased our four-acre parcel had we known the adjacent land could be divided into a suburban-style tract development with up to 156 residential lots as defined in the Master Agreement. Of particular concern, in addition to the visual, traffic and noise impacts that this development would bring are the numerous environmental impacts including disruption of wildlife, cultural and historical resources and, especially the local water supply. Our property is not served by municipal water or sewer lines; we obtain our water from a single well on our property. We are very concerned with the terms of the existing Revised Amended Master Plan that would permit the developer of Santa Fe Canyon Ranch (La Bajada Ranch) to use well water from the local community aquifer to feed any number of the 156 homes.

It is our understanding that the current proposed Amendment would bring Rio Grande water from the Buckman Direct Diversion (BDD) to the residents of Upper La Cienega and to the proposed La Bajada Ranch.<sup>1</sup> However, some residents have stated that the County's plan to provide BDD water to La Bajada is technically challenging due to the area's geography. For the latter reason, we believe the proposed Amendment should strictly tie the future permitting of any new development on La Bajada Ranch to the successful delivery and continued supply of County water. The Amendment should also bring the proposed Master Plan into conformance with the La Cienega Ordinance (Santa Fe County Ordinance No. 2005-2) that requires new subdivisions to be served by County water (we believe it should strictly prohibit the use of aquifer water).

After visiting Santa Fe for many years we relocated from an urban setting in New Orleans, Louisiana to spend our retirement years in harmony with nature and to provide a future place for our children and grandchildren to enjoy. The unobstructed panoramic views of La Cienega, its connection to the natural environment, and the lack of noise, light and air pollution, were strong influences on our decision to make a substantial investment in this property. Climate change, drought, and overdevelopment pose serious threats to any community that is dependent upon underground aquifers for drinking water and irrigation. The existing proposed subdivision of La Bajada Ranch is a direct threat to our property values and water rights.

In closing, we urge you to let the existing Revised Amended Master Plan expire, and to place this land in a permanent trust for all of the citizens of Santa Fe County to enjoy forever. The Community at large has clearly stated its preference to preserve this land as indicated in the Survey you commissioned. The Board of County Commissioners was correct to appoint the La Bajada Ranch Steering Committee to identify a more appropriate use for this land ([www.santafecountynm.gov/documents/ordinances/2012-106.pdf](http://www.santafecountynm.gov/documents/ordinances/2012-106.pdf)). We appreciate being given an opportunity to share our concerns through the Steering Committee process for the purpose of evaluating proposed alternatives for developing La Bajada Ranch.

Sincerely,

  
Ruel A. Toups & Pamela F. Toups  
36 Raven Ravine  
Santa Fe, NM 87507

<sup>1</sup> July 2013 letter e-mail from County Manager Katherine Miller to members of the La Cienega Community

Cc: Board of County Commissioners of Santa Fe County  
Members of La Bajada Ranch Steering Committee  
Katherine Miller, County Manager  
Gene Bostwick, Chairman, La Cienega/La Cieneguilla Planning Committee  
Carl Dickens, President La Cienega Village Association

- E. CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan Amendment. Santa Fe County, Applicant, Requests a Master Plan Amendment for a Previously Approved Master Plan (Santa Fe Canyon Ranch) to Amend the Water Supply Plan and to Provide Consistency with the Current Property Owner Boundaries. The Amended Master Plan Will Allow for 156 Residential Lots on the 470.55 Acres That the County of Santa Fe Now Owns. The Amended Master Plan Will Utilize the Santa Fe County Water Utility (Instead of the Previously Proposed New Onsite Community Water System). The Property is Located off Entrada La Cienega Along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East, Commission District 3 [Exhibit 3: Letter from La Cienega Valley Association]

Ms. Lucero read the case caption and gave the staff report:

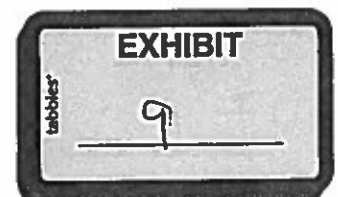
"On September 30, 2008, the Board of County Commissioners granted Master Plan approval for a residential subdivision consisting of 162 lots/ 174 residential units on 1,316 acres to be developed in three phases. At the time of approval the Applicant proposed to construct a new on-site community water system.

"Since the time of approval, Santa Fe County has purchased approximately 470.55 acres of the 1,316-acre, Santa Fe Canyon Ranch). The property is made up of three tracts which consist of Tract G -188.70 acres, Tract H -141.47 acres, and Tract I -140.38 acres, now known as La Bajada Ranch.

"The Applicant is now requesting a Master Plan Amendment to allow the existing Master Plan to include only the property owned by Santa Fe County, 470.55 acres, which contained 156 proposed residential lots. This request also includes changing the source of water in the water supply plan to the Santa Fe County Water Utility. The Santa Fe County water will provide a more reliable and sustainable source of water for domestic and fire protection purposes.

"Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Steering Committee, established by Resolution No. 2012-106. The committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres. The Steering Committee has only had two meetings and it is not thought that there will be time for them to bring forward recommendations to the Board of County Commissioners prior to the master plan expiring. Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

"There is no other change to the approved master plan, the original BCC report is attached as [Packet} Exhibit 4."



Member Katz asked if the extension did not occur would it simply remove a locked in approval. Ms. Lucero said that was correct.

Chair Gonzales asked if the amendments had to be in place for the master plan to be extended. Ms. Lucero said the amendments are to clarify the extent of the County's property and to change the water source. The amendments would restart the five-year clock on the master plan. Chair Gonzales asked if the two amendments could be considered singly. Ms. Lucero said the amendments were presented together.

Member DeAnda stated that she is a member of the La Bajada Steering Committee and extension has been discussed in that setting. She understood the plan was set to expire in September, and that if it were not extended they could start from scratch for an additional five years. Ms. Lucero said if only an extension were sought that could be granted by the BCC for a period of two years. Member DeAnda indicated that the committee reached consensus on the need for an extension to be able to continue working on the master plan; she was confused by the request to amend. She asked whether the County water applied only to the 470 acres and Ms. Lucero said yes.

In response to a question from Member Katz, Ms. Lucero said a simple extension is for two years. If a master plan is amended the time goes to five years. Member Katz asked if the committee had the option of rejecting the amendments and voting for a two-year extension only. Ms. Lucero said a two-year extension request would go straight to the BCC and not require a recommendation from the CDRC.

Chair Gonzales referred to the timeline [*Exhibit 3*] noting this has been in the works for eight years. Ms. Lucero stated the original submittal had a much higher density. Chair Gonzales asked for a detailed history.

Mark Hogan, Facilities Director, explained the intention is to preserve the entitlements in the original master plan, to give the steering committee time to do their work, and to make good on water commitments made in the past. The second amendment, the legal separation, is intended to protect the County's interest, given that that adjoining property is for sale and if an agreement is not arrived at the other property owners could hold the County hostage. In 2012 the community was told the County would not draw water from local aquifers. They are not asking for anything not previously granted or any new development; they merely seek to change the source of water. He understood imported water was a matter of consensus.

While lauding the use of imported water, Member Katz said it should be the decision of the steering committee. Mr. Hogan said the role of the steering committee is to review proposed developments and do planning for the benefit of the county as a whole. The County Manager has a fiduciary responsibility to protect the County's investment and maintain the density transfers. He added no matter what uses are decided on, the project will need water. Member Katz asked what was the rush to act before the

steering committee had come to a decision on these points. Mr. Hogan said managing the water does not fall within the steering committee's purview.

Member DeAnda reiterated the committee was in favor of an extension, but adding the amendments raises issues.

Member Roybal asked how far away the County waterline is from the property. Mr. Hogan said it is near the north end of the property, within a reasonable distance. Since the County has adequate water rights it chose not to purchase the water rights from the original seller. No amount is specified since the proposals have not been discussed, but it is not expected to exceed the amount in the first master plan.

County Attorney Steve Ross said the County has an adequate portfolio of water rights they can use. His recollection was that the original development was to call on 29 acre-feet of consumptive use. Under consideration is the source only, not the amount. He said there is a domestic well on the property, not a permitted water right.

Chair Gonzales asked how many times the previous owner requested County water and Mr. Ross said they requested and were denied three times. Chair Gonzales said he felt that was confusing. Mr. Ross said the County has entered into a number of contracts with the City and federal governments pledging to manage its water conjunctively, preferring surface water over groundwater supplies. It has issued numerous policy statements to that effect. The intentions behind the denials do not apply to a government entity. He said this application is to preserve the status quo for the steering committee. The property's value is intricately wound up with the master plan. "The County has no plans to extend water lines to the property. This is simply identifying for purposes of master plan application what the source of water is." The determination of whether waterlines need to be extended will depend on the ultimate disposition.

Chair Gonzales said he supported not using groundwater for development but is aware that if imported water is available density increases, which is a concern.

Reading from the enabling resolution, Member Anaya asked why the BCC's intent wasn't being followed. He referred to the letter from the LCVA. Mr. Hogan said he felt they were following that intent.

Responding to Member DeAnda's contention that the language was confusing, Mr. Ross said tweaks have to be made to the process. Member DeAnda sought and received verification that a recommendation to the BCC was being requested.

Those wishing to speak were administered the oath.

Rosanna Vazquez, attorney for the owners of Santa Fe Canyon Ranch, now the Ranch as Santa Fe Canyon, said her concerns were similar to those of the committee. Her clients are in agreement with a request for an extension of master but would like to meet with the County to discuss mutual issues. She pointed out that SFCR was required to

request a boundary extension for water service, which no longer seems necessary. The conditions for hookup – 200 feet from the waterline – have not changed nor has the location of the waterline.

Ms. Vazquez said she was not sure why severing the property is necessary since they are now separate legal lots of record and she could find no legal basis for severance. The basis for the density was the full acreage, not just the 470 acres purchased. She said for the density transfer to remain in existence conditions have to be adhered to. SFCR was required to prove a 100-year water supply based the entire property, and the amount of development allowed came from that. Most of the actual water is to be found on the parts of the property still owned by the former owners. This also makes severability problematic.

Additionally, conditions regarding secondary access and infrastructure complicate the matter. She reiterated the desire to work with the County on these issues. She said this application is premature and the regulations and requirements should be the same for everyone regarding master plans. She asked the committee to grant the extension and hold off on the amendments.

Member Anaya asked why the property was sold. Ms. Vazquez indicated the owners had been through an arduous process starting in 2005. Approval was only granted in 2008. It became clear they would not get County water. After around 50 meetings and mediations agreement seemed impossible. At that point the market began to change and the owners became willing to consider selling. The money was used to pay down debt. They had 17.68 acre-feet of consumptive water use that was transferred to the Buckman Direct Diversion. There was also an application for return-flow credits. The amount of water needed for Phase 1 was 14.55 acre-feet. There was some additional water on the property. The total amount they had was 32.2 acre-feet. A strict water budget – .18 acre-foot per household was planned.

Member Anaya asked if the County made it clear how the land would be used by the County. Ms. Vazquez said that was not laid out in the purchase agreement. She said she understood the master plan ran with the land, which now has two different owners.

Previously sworn, Gene Bostwick, chairman of the La Cienega/La Cieneguilla Planning Committee stated he has been involved in this project for a long time. He distributed a letter sent to the Commissioners [Exhibit 4] He agreed with Ms. Vazquez about many of the outstanding questions. He asked for a tabling to allow more time. He said there is no objection to using County water but many issues remain unanswered. The La Cienega Ordinance restricts the amount of development to water available on that property, regardless of whether groundwater is used or not. SFCR originally requested 605 units and were eventually approved for 174 due to that regulation. The initial approval for SFCR was for 80 homes and any additional development would require a ruling by the State Engineer.

Mr. Bostwick said the County is talking about 156 residential lots on 470 acres and does not acknowledge the 80 homes previously allowed. No process for this is stated and he would like to see clarification of that issue. He noted that 14.55 acre-feet worth of water rights are on the non-County part of the land. What becomes of that if the County

imports water? The community does not want any groundwater pumped and wants to know how severance will work with regard to that.

Mr. Bostwick said there is another 846 acres that were used in the density calculation. Can that now be developed and at what density? There seems to be no opposition to a simple extension and that would provide an opportunity for the steering committee to do its job.

Member DeAnda clarified that the steering committee is charged with planning or potentially recommending development of the 470 acres and is not looking at the other acreage, over which they have no jurisdiction. The other owners will have to make their own request for extension.

Member Anaya asked for clarification on the purchase agreement. Ms. Brown said the purchase agreement identified the property acquired by Santa Fe County with the master plan in place, which included the option of residential development.

Previously sworn, Carl Dickens, president of the La Cienega Valley Association distributed a letter requesting a tabling of this action [Exhibit 5] and a previous letter to the County Manager [Exhibit 6] concerning the noticing. He said the community is strongly committed to maintaining the integrity of the community plan. He related that La Cienega had a community meeting recently and the proposed amendments came as a surprise. Since La Cienega has been closely involved in the process for eight years learning about the amendments through the legal notices was an insult.

The consensus at the meeting was that more time is needed to understand the situation. La Cienega has always been more than willing to work with the County. Understanding the County has to safeguard its investment, the community wants something appropriate and they want to participate in the process.

Mr. Dickens recognized how controversial and complex the issues are. The decisions will affect La Cienega's intent to maintain its rural nature. A community discussion would have been appropriate and would have fostered a willingness to compromise. Instead they were subjected to a misleading master plan announcement. He said it is the first time in 29 years that a project of such impact did not come before the community for review. He said they rely on the County to enforce their ordinance.

Chair Gonzales asked what ordinance Mr. Dickens was referring to. Mr. Bostwick said it was Ordinance 2002-9, specifically Sections 6.4.2 through 6.4.4 which restrict density based on proven onsite water. Chair Gonzales asked if what the County was doing contravened those provisions. Mr. Bostwick said "the maximum density shall not be increased even when community water and sewer systems are provided, so importing water through a community system does not allow them to increase the density." Under the La Cienega Ordinance, based on the 14.55 acre-feet that the State Engineer approve, 80 homes would be allowed. Chair Gonzales asked if importing water was contrary to the community plan and Mr. Bostwick said yes. Based on the one domestic well on the property the maximum might be as few as 30 homes.



Previously sworn, Ray Romero, mayordomo of the Acequia La Cienega, stated that in 1958 the acequia flowed at 650 gallons per minute and now it is down to 157 gpm, allowing only a quarter of the irrigation they need. In 1985 the County approved development in Upper La Cienega and they were supposed to connect to County water. They have not and that has diminished the supply of groundwater. He asked that the County pay attention to those farther down the river. He mentioned the prospect of the County drilling more wells when the Rio Grande dries up.

Charlie C de Baca, previously sworn, said he was the mayordomo of the El Guicu Ditch and was on the La Cienega Planning Committee starting in the 1990s. At that time Warren Thompson agreed to the 12.5-acre provision. Years later, developers came in who were only interested in developing. Even with a mediator there was no agreement. He asked the committee to table this and bring together the County, the other developers and the community to iron out the issues. There was once talk of preserving that area since it is the entrance to northern New Mexico. "What happened to that philosophy?" He said developers have rights but should respect the community that has been there for years.

Previously sworn, John Herbrand indicated originally there was a proposal for a trash relay site across from his house which he saw as a threat. The County originally represented they would develop only within the community plan and are now asking for sanctuary of government to provide what has been denied to previous developers. He asked the County to respect the Sustainable Land Development Plan; nothing in La Cienega has been designated for development in the first phase.

Previously sworn, Anna Murphy expressed her confusion about the notice. Mr. Hogan tried to reassure the community but his actions belie that. She asked for reassurance that the County is not fighting the old developers' battle.

Previously sworn, Keir Careccio mentioned the chamber mural, highlighting water rights and equal justice under law. He asked that the issue be tabled to clear up the confusion.

Ross Lockridge from Cerrillos, previously sworn, asked that community plans be honored. The meeting wherein the purchase was approved spoke of preservation intentions. Now there is some idea that the citizens need to be repaid. "The shock of the cost has been used to undermine the intended conservation." He reminded the committee that La Bajada Mesa was placed on the most endangered places list by the New Mexico Heritage Preservation Alliance. He urged tabling.

Karl Sommer said he was not representing any parties and noted there was more agreement among the parties than disagreement. There appears to be consensus that the investment should be preserved through an extension of the master plan. "Not to do that is wasteful." Secondly, no one is in favor of mining the aquifer. The competing interest centers around the question: Does importing water imply additional development? The County has the power to control that.

The consequences of severing the master plan are vague in the code, however, the CDRC can clarify those in their recommendation. County staff would like to proceed with plans for use of the property without being beholden to the owners of the adjoining property or their successors and vice versa. "It's a false choice." The CDRC case say the County can make proposals on the property within the conditions of the original master plan. The same is true for the adjoining property owners. He suggested broadening the purview of the steering committee. The CDRC can define severance so that no one is "gaming the system."

Previously sworn, Jose Varela Lopez agreed with Mr. Sommer in that the CDRC can look at the totality of the case impartially. He sits on the committee charged with updating the La Cienega plan and there are many sections that apply only to that community.

Previously sworn, James Borrego spoke on behalf of the developers of the adjoining property. He said they are not opposed to the extension of the master plan, but tabling would be prudent. The master plan has conditions on infrastructure, particularly roads, that involve both the County's portion and that of the developers. Separating the properties makes having two entrances, as required by the Fire Department, difficult. The developers are required to have a water budget before proceeding but the County has not made theirs specific. "What you are doing here is creating a whole new master plan on a separate piece of property." He recommended tabling.

There were no other members of the public wishing to speak.

Member Katz asked if the amendment regarding severance and that regarding water could be voted on separately. He also asked what impact does that have to the remainder of the property. Ms. Brown said the issues could be separated but it would not require two separate motions. The impact on the other 940 acres depends on how the motion is framed. She said some of Mr. Sommer's suggestions were on point. She reiterated the intent is to allow the County's planning efforts to go forward.

Mr. Hogan stated Mr. Sommer summarized the situation well, that an extension is warranted and groundwater should be protected. "It was never our intention to go beyond what was allowed in the original master plan" and uses will be limited to those specified in the original master plan. It makes sense to bind both parties to the conditions of the master plan. He said the steering committee is diverse and attuned to the interests of the entire community.

Mr. Ross said the people have a healthy mistrust of what the County is up to, but at this point the County's intent is to preserve the status quo so the steering committee can do its work.

Chair Gonzales asked if the County would be willing to rescind its request for a change in the water use plan. Mr. Ross emphasized that the County is strongly committed to not using onsite wells even though they have groundwater rights, so removing that is

not an option. He added the extension cannot go forward without the severance. "In order to segregate the property we need to address the reality that the County doesn't control the wells or the water rights that were the subject of the original application...If we were to ask and receive approval of a master plan that purported to use those wells and water rights the resulting order would be void."

Member DeAnda indicated she supported what the County is attempting to do, but given the level of confusion she moved to table for one month to give the La Cienega community the opportunity to meet with the steering committee. Member Katz seconded.

Member Drobnis said he supported the motion to table as it is consistent with what has been asked of other developers.

Member Anaya said he supports the County in its adventure. He mentioned seeing the fire earlier in the day and noted fire protection is included in the County's proposal.

Member Katz indicated Mr. Sommer provided a good roadmap and he supported a one-month tabling.

The motion passed by majority [5-1] voice vote with Member Anaya casting the dissenting vote. [Member Martin was not present for this action.]

- A. **CDRC CASE # V 13-5040 Ellen Jacobs Variance.** Ellen Jacobs, Applicant, Joseph Karnes Agent, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 2.29 Acres. The Property is Located at 55 Camerada Loop, in the Vicinity of Eldorado, within Section 10, Township 15 North, Range 9 East, Commission District 5 [*Exhibit 7: Letter of Opposition*]

Mr. Lovato gave the staff report as follows:

"The subject property is located in the Eldorado at Santa Fe Subdivision and is within the Basin Fringe Hydrologic Zone where the minimum lots size is 12.5 acres per dwelling unit. There is currently a residence, an attached dwelling unit, and a detached studio on the property. The current studio was previously a dwelling unit, and a notice of violation was issued to the applicant for exceeding density. The dwelling has now been converted into a studio and the kitchen has been removed. The units are currently being served by an onsite well and a conventional septic system.

"The Applicant states, all the structures were constructed in the early 1980's so she could provide care for her mother who lived in the main house. The Applicant further states, she relied on her contractor who advised her that the attached unit was allowed by code. Furthermore, the Applicant states she anticipates soon of being in need of the same type of care and plans to have a caretaker live in the main house while she continues to live in the attached unit.

- VI B. CDRC CASE # Z/S 13-5130 La Bajada Ranch Master Plan  
Amendment: Santa Fe County, Applicant, requests a Master Plan Amendment for a previously approved Master Plan (Santa Fe Canyon Ranch) to amend the water supply plan and to provide consistency with the current property owner boundaries. The amended Master Plan will allow for 156 residential lots on the 470.55 acres that the County of Santa Fe now owns. The amended Master Plan will utilize the Santa Fe County Water Utility (instead of the previously proposed new on-site community water system). The property is located off Entrada La Cienega along Interstate 25 in the La Cienega/La Cieneguilla Traditional Historic Community within Sections 1, 2, 10, 12, 13, Township 15 North, Range 7 East and Sections 5, 6, 7, 8, Township 15 North, Range 8 East (Commission District 3)  
*[Exhibit 3: Conditions distributed by staff; Exhibit 4: Ruel & Pamela Toups letter to CDRC dated 7/18/13]*

Chair Gonzales recused himself from this case and Member Martin assumed the responsibilities of Chair.

Vicente Archuleta, Development Review Team Leader, reviewed the staff report as follows:

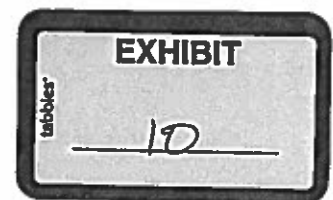
"On June 20, 2013, the CDRC met and acted on this case. The decision of the CDRC was to table to allow the Applicant to address concerns brought forth by the community.

"The Applicant held a community meeting on July 16, 2013 and will provide an update at the CDRC meeting.

"The Applicant is now requesting a Master Plan Amendment to allow the existing Master Plan to include only the property owned by Santa Fe County which contained 156 proposed residential lots. This request also includes changing the source of water in the water supply plan to the Santa Fe County Water Utility. The Santa Fe County water will provide a more reliable and sustainable source of water for domestic and fire protection purposes.

"Santa Fe County is currently undergoing an extensive process of community involvement primarily through the La Bajada Steering Committee, established by Resolution No. 2012-106. The committee is meeting monthly to review material and bring forward a proposal for development of the 470.55 acres. The Steering Committee has only had two or three meetings and it is not thought that there will be time for them to bring forward recommendations to the Board of County Commissioners prior to the master plan expiring. Santa Fe County asks for this amendment to allow the La Bajada Ranch Steering Committee time to discuss, evaluate and bring forward to the Board of County Commissioners alternatives for the development of the La Bajada Ranch.

"There is no other change to the approved master plan.



"The approval sought is the Master Plan Amendment to amend the water supply plan to provide consistency with the current property owner boundaries."

Mr. Archuleta said staff recommends approval of this request.

Land Use Administration Ellis-Green said at the Tuesday, July 16<sup>th</sup> community meeting staff was asked to consider conditions that staff is now requesting for approval:

1. All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case #MP/S 06-5212 shall remain in full force and effect.
2. This application only changes the source of water to be provided to the master planned development under the Order in LCDRC Case MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion.
3. No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may occur only through a further application to amend the master plan or an application for preliminary plat approval.

Member Katz asked why what effect there would be on the balance of the property by severing the County's 470 acres and obtaining the master plan extension and amendments. Ms. Ellis-Green said the amendment(s) would solely apply to the County property. She clarified that the County is the applicant.

Appearing for the County/Applicant, Mark Hogan, Projects Division Director and applicant for amendment. He said the CDRC directed the applicant to meet with the community which occurred resulting in the three conditions.

In response to a question was Mr. Hogan said all of the original master plan conditions will stay in effect thus binding both parties to the master plan. County Attorney Ross said if the other owners want to extend the master plan on their portion of the property they need to make application to do so and they have not. The County does not intend to do that for them or speak for them. The County is operating on its half of the property and reserving the rights on that property.

Member Roybal characterized the County as a developer in this instance and asked how it is they are not able to access water rights. Mr. Ross responded that the County has 1,300 acre-feet of Rio Grande rights, plus 375 acre feet of San Juan/Chama rights, plus 600 acre-feet obtained through contracts; the County has substantially more water rights than it delivers in water. The County is bringing ample water rights to the table. He noted that the steering committee has been charged to develop a plan for the property's use and it is probably unlikely that the County will do what was originally planned for that property.

Member Roybal said it appeared the County had an unfair water advantage to other developers. He asked whether the other owners of the ranch would have the option to tie into the lines that the County brings in. Mr. Ross said he didn't know the answer to

that but did know they were denied County water for the entire development and that led them to successfully propose the use of groundwater.

The individuals that wanted to speak to this issue were duly sworn.

Under oath, José Varela López, La Cieneguilla, said the community has worked on the Santa Fe Ranch/ La Bajada master plan for many years. He said the County was not moving forward in an appropriate manner and an amendment to the water supply plan conflicts with the local ordinance. He suggested it would have been appropriate if the County applied for a variance rather than a master plan amendment. He corrected the County's contention that 156 residential lots were permitted on 470 acres; in fact, it is 98 units on the entire 1,300+ acres with 18 on Santa Fe County's property. The 156 was based on proving return-flow credits over time and that at this point has not been accomplished.

Mr. Varela López questioned the appropriateness of separating or dividing the property when the master plan addressed the entire 1,300+ acres. The two owners need to work together in asking for an extension.

Ray Romero, mayordomo of Acequia La Cienega, distributed a letter [copy was not made available for this record] addressed to Adam Leigland, County Public Works Director, discussing the history of Acequia La Cienega and the impact development over the past 30 years has had on the acequia. He noted that wells are not metered as required by the County. He stated that over 200 homes in the area are required to hook up to County water but without the necessary infrastructure these homes are using groundwater. He urged the legislators and officials to secure the necessary funding to extend the infrastructure. The community needs to be taken care of before the County develops La Bajada Ranch. Mr. Romero said over the years the flow of the acequia has decreased by over 50 percent. As stewards of the acequia for over 300 years, he said the community expects more than a waterline from the County: "We expect actual connections to homes."

Citing Mr. Romero's letter "...La Cienega has experienced over 70 percent of the depletion of the irrigation water," Member Anaya asked whether that was correct. Mr. Romero verified that was fact. Member Anaya said that reinforces the County's request to bring in the water and protects the County's investment in the ranch.

Previously sworn, Gene Bostwick, resident of lower La Cienega, thanked staff for working with the community. He said this amendment is in violation of Ordinance 2002-09 which specifies that there shall be no increase in density through the importation of water. He understood the water rights of the developer were bound to the development and could not be severed. The community is concerned that this amendment will allow for the use of the wells on the property. He asked that the County get together with the other ranch property owner and figure out the water rights.

Mr. Bostwick reminded the CDRC that the Borregos, owners of the remaining ranch property, support a two-year extension of the master plan as is. He asked that the CDRC deny the request.

Member Katz asked whether the density limit in Ordinance 2002-09 was in effect for the ranch property. Mr. Ross clarified that the County is not seeking to increase density. The ordinance provision "that all new lots...shall be required to connect to the County water system when it is within 200 feet of the property line" governs this request. He indicated that the other owner of the land has development restrictions defined within a contract while the County's density is established by the master plan.

Member Katz said he understood the community's concern that the County may come forward in the future asking for an increase in density. Mr. Ross said he too understood that concern and the BCC created the steering committee to vet all proposed uses of the property. He said it was "extremely unlikely" that the County will propose to do anything on that property that resembles the master plan proposal.

Member Katz asked what would prevent the other property owner from coming forward with a request for greater density. Mr. Ross responded that the County has a contract with the owners that restricts density. Even if the master plan expires, the contract will continue to protect density. The contract was entered into at the time the property was purchased. Mr. Ross said the contract specifically speaks to density.

Member DeAnda said it was difficult to speak about the other property owner because they are not before the CDRC with a request.

Mr. Bostwick stated the issue as the community sees it is that Ordinance 2002-09 remains in effect and enforceable. He said the community views the County proposing the amendments as a conflict in interest.

In response to a question, Mr. Ross said water rights are property rights and an owner is entitled to move water rights. He reiterated that the contract restricts density on the property.

Previously sworn, Carl Dickens, La Cienega, said he appreciates the CDRC and staff's attention to this matter. He said "we need more time." The County's request has forced the community into a reactive mode. He said the Borregos should be here. Mr. Dickens also noted that today was the first he heard of any contract with the other owners. An extension of the master plan is premature, stated Mr. Dickens.

Duly sworn, John Herbain said they fought to protect the community when the ranch proposal first came forward. The original development depended on getting County water which now makes it "this a problem that is uncomfortable for everybody." He noted that the ranch had been denied County water three times. The request is premature and the community needs to have a say and more time to understand the contract, water rights and a certainty of what is happening. He said the County should be treated the same as other developers.

Duly sworn Charlie C de Baca said he is the mayordomo of the other ditch in La Cienega. He spoke from over 60 years knowledge of living in the La Cienega and said it was important waterlines be made available to the area residents.



Ryan Toups, under oath, said he opposed the master plan amendment. He said his property abuts the ranch and part of the reason he bought his land was to neighbor a ranch-like setting. The fact he learned of the County's plan in June he found troubling. He urged the CDRC to let the master plan expire and to place the land in a permanent trust for the citizens to enjoy in perpetuity.

Duly sworn, Mary Dickson asked the CDRC to deny the request and allow the Steering Committee an opportunity to come forward with a recommendation.

Under oath John Paul Gonzales said he felt the County came about this request in an inappropriate manner. He asked that the CDRC deny the request.

In response to a question, Mr. Ross said the County is requesting the amendment to separate itself out from the other owner.

Member Anaya moved to approve Z/S 13-5130, La Bajada Ranch Master Plan Amendment as submitted with the three conditions: 1) All conditions set forth in the Order of the Board of County Commissioners in LCDRC Case MP/S 06-5212 shall remain in full force and effect; 2) This application only changes the source of water to be provided to the master planned development under the Order In LCDRC Case MP/S 06-5212 from wells identified by the original applicant to the County water system and supplied by water from the Rio Grande River through the Buckman Direct Diversion; 3) No other changes are proposed to the conditions of approval set forth in the Order in LCDRC Case MP/S 06-5212. Any additional changes to the conditions of approval may occur only through a further application to amend the master plan or an application for preliminary plat approval. Member Katz seconded and the motion passed by majority [4-2] voice vote with Members Roybal and DeAnda voting against.





